



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Eighth day of April Two Thousand and Twenty Three

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PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CMP(MD) No.5676 of 2023
in
SA(MD) SR.No.25521 of 2021

1 USMAN KHAN

2 RAHIMA GBABAN

3 SUBAITHA GNANAM

4 K.SHAMIM BANU

5 NARGIS

6 K.JAVID

7 ARIFA GNANAM

8 SAJID @ YAKUB KHAN

... PETITIONERS/APELLANTS

Vs

1 P.VITTAL NAIDU

2 V.GOVINDARAJAN

3 V.VARADHARAJAN

4 AZADULLAH KHAN

DHAHARULLAH KHAN (DIED)

JAFRULLAH KHAN (DIED)

5 MUSTHARIS GNANAM

KASIM KHAN(DIED)

6 FATHIMA

7 FIAZ KHAN

<https://www.mhc.tn.gov.in/judis>

8 SHAMEENA GNANAM

... RESPONDENTS/RESPONDENTS



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 403 days in representing the S.A. (MD).No.SR.25522 of 2021.

PRAYER in SA(MD)SR.No.25521 of 2021:

To set aside the Judgment and Decree made by the Principal Subordinate Judge, Thiruchirappalli in A.S.No.29 of 2002 dated 09/04/2011 confirming the Judgment and Decree made in O.S.No.1265 of 1984 dated 31/01/2000 on the file of the 1st Additional District Munsif, Tiruchirappalli and allow this second appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SIVAKUMAR, Advocate for the petitioner, the Court made the following order:-

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 403 days in representing the Second Appeal in S.A. (MD)No.SR25521 of 2021.

2. The petitioners claim that since the bundle got misplaced with the erstwhile counsel, they were unable to file the second appeal on time. Under those circumstances, there is a delay of 403 days in filing the Second Appeal.

3. Considering the inordinate delay, the petitioners / appellants must be put on terms. Accordingly, this Civil Miscellaneous Petition is allowed as prayed for subject to the condition that the petitioners / appellants deposit a cost of Rs.2,000/- (Rupees Two Thousand only) to the credit of Madurai Bench High Court Advocates Association (MBHAA), A/c No.496038755, IFSC Code - IDB000H040, Indian Bank, Madurai Bench of Madras High Court, Madurai, within a period of one week from the date of receipt of a copy of this order.

4. Registry is directed to number the Second Appeal, once the proof for payment of the cost is produced by the petitioners / appellants that they have paid the amount within the stipulated time as stated supra and if it is otherwise in order and list the same for Admission. It is made clear that if the aforesaid amount is not paid within the stipulated time, this application shall stand automatically dismissed.

sd/-

28/04/2023

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/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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- 1 THE PRINCIPAL SUBORDINATE JUDGE,
TIRUCHIRAPPALLI.
- 2 THE I ADDITIONAL DISTRICT MUNSIF,
TIRUCHIRAPPALLI.

ORDER
IN
CMP (MD) No.5676 of 2023
in
SA (MD) SR.No.25521 of 2021
Date :28/04/2023

SS/VR/SAR II/04/05/2023/3P/3C