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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

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

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD) No.5737 of 2023
in
CMA(MD)SR.No.34207 of 2023

SELVAGANESH

... PETITIONER/PETITIONER

Vs

P.CHANDRASEKAR

... RESPONDENT/RESPONDENT

Civil Miscellaneous 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 331 days in preferring the above civil miscellaneous appeal.

PRAYER in CMA(MD)SR.No.34207 of 2023:

To call for the records pertaining to the Fair and Decretal order passed by the 5th Additional District Judge in IA.No.648 of 2019 in OS.No.273 of 2019 dated 03.02.2021, setaside the same by allowing the appeal.



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ORDER : This Civil Miscellaneous 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. P. PETHU RAJESH, Advocate for the petitioner and of Mr.A.SHAHUL HAMEED, Advocate on behalf of the Respondent, the Court made the following order:-

This Petition is filed to condone the delay of 331 days in preferring the Civil Miscellaneous Appeal before this Court.

2. The learned counsel for the respondent submitted that this petition may be allowed by imposing Costs.

3. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent and also perused the materials placed before this Court.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition, the delay of 331 days in preferring the Civil Miscellaneous Appeal is condoned on payment of costs of Rs.3,000/- (Rupees Three Thousand only) by the petitioner to the respondent directly within a period of one week from the date of



receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without further reference to this Court. Accordingly, this Civil Miscellaneous Petition is allowed.

5. On such compliance, Registry is directed to number the Civil Miscellaneous Appeal, if it is otherwise in order and list the same for admission.

sd/-
28/07/2023

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/08/2023

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

tta

TO

THE V ADDITIONAL DISTRICT JUDGE, MADURAI.

COPY TO :

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MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CMP(MD) No.5737 of 2023
in
CMA(MD)SR.No.34207 of 2023

Date :28/07/2023

SS/VRS/03/08/2023/4P/4C

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