



WEB COPY

CMP(MD)



21

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

Thursday, the Sixteenth day of February Two Thousand and Twenty
Three
PRESENT

The Hon`ble Mr.Justice SUNDER MOHAN
CMP(MD) No.6902 of 2021
in
S.A.(MD).SR.No.17583 of 2019

1 D.AYYAVU

2 S. RAJU

... PETITIONER/ APPELLANTS

Vs

S.BALARADHAKRISHNAN

... RESPONDENT/ RESPONDENT

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 1013 days in paying of deficit court fee Rs. 5750/- in the appeal papers in SA. SR No. 17583 of 2019 on the file of this Honourable Court and thus render justice.

PRAYER IN S.A. (MD) .SR.No.17583 of 2019:

To set aside the Judgment and decree dated 11.07.2018 in A.S.No.25 of 2011 on the file of the Principal District judge, Karur. confirming the Judgment and decree in O.S.No.275 of 2008 dated 07.06.2011 on the file of the Additional Subordinate Court, Karur and allow this 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.V.BALAJI, Advocate for the petitioner and of M/s.T.ANTONY ARULRAJ, Advocate on behalf of the Respondents the court made the following order:-

This petition is filed to condone the delay of 1013 days in paying the deficit Court fee.

2. The learned counsel for the petitioners/appellants submits that in view of the lock down, they were unable to represent the appeal papers with the deficit Court fee and as soon as the lock down was relaxed, the lower Court counsel has made arrangements to send the deficit Court fee to the counsel on record. Hence, there has been delay in paying the deficit Court fee.



3. Mr.T.Antony Arulraj, learned counsel for the respondent at fairly submitted that he has no objection for allowing the petition.

4. Hence, being satisfied with the reasons stated in the affidavit filed in support of this petition, the delay is condoned. However, in view of the enormous delay, this Court deems it fit to impose a cost of Rs.1000/- (Rupees One Thousand only) payable to the respondent through the learned counsel for the respondent within a period of two (2) weeks from the date of receipt of a copy of this order. This Civil Miscellaneous Petition is ordered on the said terms.

sd/-

16/02/2023

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/03/2023

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

TO

1.The Principal District judge, Karur.

2.The Additional Subordinate Judge, Karur.

+1 CC to M/s.V.BALAJI, Advocate (SR-2477[I] dated 16/02/2023)

ORDER

IN

CMP(MD) No.6902 of 2021

Date :16/02/2023

RD/MMS/SAR-IV 01/03/2022 **2P** 4C