



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Wednesday, the Thirtieth day of August Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD) No.8992 of 2023
in
SA(MD)SR.No.40516 of 2023

ALIMA AMMAL

... PETITIONER/ APPELLANT

Vs

1 JAGUBAR

2 MEERASHA

3 MOHAMMED KASIM

4 RAMANATHAPURAM SAMASTHANAM CHATHIRAM,
ARANMANAI,
RAMANATHAPURAM DISTRICT
REPRESENTED BY ITS
ADMINISTRATOR

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to order to condone the delay of 555 days in preferring the second appeal in AS No.34 of 2018 on the file of the Subordinate Court Aranthangi.

PRAYER in SA(MD)SR.No.40516 of 2023:

To set aside the Judgment and Decree dated 06.09.2019 in A.S.No.34 of 2018 on the file of the learned Sub. Court, Aranthangi, Pudukkottai reversing the Judgment and decree in O.S.No.99 of 2011 dated 27.02.2018 on the file of the learned District Munsif Court, Aranthangi, Pudukkottai by allowing this Appeal.



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.GANAPATHI SUBRAMANIAN, Advocate for the petitioner and of Mr.ARUL JENIFER, Advocate on behalf of the 1st Respondent and Mr.N.BALAKRISHNAN, Advocate for the 4th respondent and none appeared either in person or through by an advocate on behalf of the respondents 2 & 3, the Court made the following order:-

This Petition has been filed to condone the delay of 555 days in filing the Second Appeal in S.R.No.40516 of 2023.

2. The learned counsel for the petitioner and the learned counsel for the respondents 1 and 4 are present. The names of the respondents 2 and 3 are printed in the cause list, but no one appeared on behalf of them.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 4 and perused the materials placed before this Court. The learned counsel for the 4th respondent has not raised any objection. Though the learned counsel for the first respondent objects for this petition, he express his acceptance for in allowing this petition on payment of cost.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition and also considering the delay of 555 days in filing the Second Appeal, this



Court is inclined to allow this petition on payment of cost. Accordingly, this petition is allowed on condition that the petitioner to pay the cost of Rs.2,000/- (Rupees Two Thousand only) to the first respondent within a period of two weeks from today (i.e., on 30.08.2023), failing which this petition shall stand automatically dismissed.

5. On such payment being made, Registry is directed to number the appeal, if it is otherwise in order and list it for admission in the usual course.

sd/-
30/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE SUBORDINATE JUDGE,
ARANTHANGI, PUDUKKOTTAI.
- 2 THE DISTRICT MUNSIF
ARANTHANGI, PUDUKKOTTAI.

COPY TO :

- 1 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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WB C THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.8992 of 2023
in
SA(MD)SR.No.40516 of 2023
Date :30/08/2023

SS/DD/04/09/2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023