



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

Tuesday, the Twentieth day of June Two Thousand and Twenty Three

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PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

C.M.P.[MD]No.6990 of 2023
in
SA.[MD]No.SR59755 of 2022

ALAGAN

... PETITIONER/APELLANT

Vs

THUVARIAMMAL (DIED)

PAPPA @ KARUPPAYEE (DIED)

MUTHAMMAL (DIED)

1.KANDATHAN

2 CHINNAMMAL

3 KARUPPAIAH

4 SHANMUGAM

5 CHINNAMMAL

6 SUMATHI

7 UDAIYAPPAN

8 PALANIYAPPAN

9 VIJAYA

10 THAMAYANDHI

11 SENTHILKUMARAN

12 BANUMATHI

13 DURAIRAJ



15 RATHINAM AMMAL

...RESPONDENTS /RESPONDENTS

WEB COPY

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 152 days in representing the above second appeal in SA(MD).SR.No. 59755 OF 2022 and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER IN SA.[MD]No.SR59755 of 2022:

To set aside the judgment and decree in A.S.No.60 of 2012 on the file of the Subordinate Judge, Sivagangai dated 06.10.2016 reversing the judgment and decree in O.S.No.18 of 1988 on the file of the District Munsif Court, Sivagangai dated 21.10.2011.

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. M. RAMU, Advocate for the petitioner, the court made the following order:-

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 152 days in representing the Second Appeal in S.A. (MD)No.SR59755 of 2022.

2. The petitioner states that the papers were misplaced and only due to the said reason, there is a delay.

3. This Court is satisfied with the reasons contained in the affidavit filed in support of this application seeking to condone the delay of 152 days in representing the Second Appeal. However, in view of the inordinate delay of 152 days in representing the second appeal, the petitioner / appellant must be put on terms. This Court deems it fit to impose a cost of Rs.500/- on the petitioner / appellant.

4. Accordingly, this Civil Miscellaneous Petition is allowed as prayed for subject to the condition that the petitioner / appellant deposits a cost of Rs.500/- (Rupees Five Hundred only) to the credit of Rojavanam, Home for Aged and Poor, Account No.6481560540, 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. It is made clear that if the aforesaid amount is not paid within the stipulated time, this application shall stand automatically dismissed.



5. Registry is directed to number the Second Appeal, once the proof for payment of the cost is produced by the petitioner / appellant 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.

sd/-
20/06/2023

/ TRUE COPY /

/07/2023

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

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TO

1.THE SUBORDINATE JUDGE, SIVAGANGAI

2.THE DISTRICT MUNSIF, SIVAGANGAI

COPY TO

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

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

3.THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR AGED AND POOR,
MADURAI.

+1 CC to M/s.M.RAMU, Advocate (SR-9239[I] dated 21/06/2023)

ORDER
IN
C.M.P.[MD]No.6990 of 2023
in
SA.[MD]No.SR59755 of 2022
Date :20/06/2023

RK/VR/SAR- (30/06/2023) 6P/7C