



CMP(MD) No.7776 of 2023

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

Thursday, the Twenty Fourth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD) No.7776 of 2023
in
SA(MD) SR No.45655 of 2023

VASANTHA

... Petitioner / Appellant

Vs

1 MEENAKSHI
2 C.SARASWATHI
3 M.PARVATHI
4 ABIRAMI

... 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 condone the delay of 559 days in preferring the above second appeal.

Prayer in SA(MD) SR No.45655 of 2023:

To allow the above Second Appeal and consequently set aside the Judgment and Decree of the Learned 1st Additional District Judge (PCR), Trichy made in A.S.No.26 of 2018 dated 09.08.2019 in confirming the judgment and decree passed by the Learned IInd Additional Subordinate Judge, Trichy made in O.S.No.615 of 2011 dated 27.02.2018.



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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. S.I.MUTHIAH, Advocate for the petitioner and of Mr.S.VINAYAK, Advocate on behalf of the Respondents, the court made the following order:-

This petition has been filed to condone the delay of 559 days in preferring the above Second Appeal.

2. Heard the learned counsels appearing for the petitioner and the respondents and perused the affidavit filed in support of the petition.

3. The learned counsel appearing for the respondents has raised serious objections.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition and also considering the duration of delay, this Court is inclined to allow this petition on payment of cost.

5. In the result, this petition is allowed on a condition that the petitioner/appellant pays a sum of Rs.3,000/- (Rupees Three Thousand only) to the learned counsel for the respondents within a period of two weeks from the date of receipt of a copy of this order, failing which, the petition shall stand automatically dismissed without further reference to this Court.



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6. On such compliance, Registry is directed to number the Second Appeal, if it is otherwise in order and list the same for admission in usual course.

sd/-
24/08/2023

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/09/2023

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

SN

To

- 1.The I Additional District Judge (PCR), Trichy.
- 2.The II Additional Subordinate Judge, Trichy.

Copy to:

- 1.The Sub Assistant Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
- 2.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CMP(MD) No.7776 of 2023
in
SA(MD) SR No.45655 of 2023
Date :24/08/2023

ED/JGB/SAR- (01/09/2023) 3P / 5 C
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