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

Wednesday, the Nineteenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD) No.2266 of 2023

in

SA(MD)SR.No.60428 of 2022

TMT.R.M.SHANTHI

... PETITIONER/ APPELLANT

Vs

SOUNDARAPANDIAN

... 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 238 days in filing the second appeal against the judgment and decree 09-09-2019 passed in A.S.No. 21 of 2018 on the file of the IV Additional District Court, Madurai.

PRAYER in SA(MD)SR.No.60428 of 2022:

To set aside the Judgment and Decree dated 09.09.2019 in A.S.No.21 of 2018 on the file of the Ivth Additional District Court, Madurai, confirming the Judgment and Decree dated 16.09.2017 passed in O.S.No.1137 of 2011 on the file of the Principal Subordinate Judge, Madurai and allow this second 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.R.RAMADURAI, Advocate for the petitioner and of Mr.K.MURALEEDHARAN, Advocate on behalf of the Respondent, the Court made the following order:-

This Petition is filed to condone the delay of 238 days in filing the second



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2. The learned counsel appearing for the respondent has no objection in allowing the petition.

3. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent and 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 238 days in filing the second Appeal is condoned on payment of costs of Rs.1,000/- (Rupees One Thousand only) by the petitioner to the respondent directly within a period of two weeks from today, failing which, this petition shall stand dismissed automatically without further reference to this Court. Accordingly, this Civil Miscellaneous Petition is allowed.

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

sd/-
19/07/2023

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/07/2023

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

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TO

1 THE IV ADDITIONAL DISTRICT JUDGE, MADURAI.

<https://www.mhc.tn.gov.in/judis>

2 THE PRINCIPAL SUBORDINATE JUDGE, MADURAI.



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.

ORDER
IN
CMP(MD) No.2266 of 2023
in
SA(MD)SR.No.60428 of 2022
Date :19/07/2023

SS/DD/25/07/2023/3P/5C

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