



**CMP(MD) No.6113 of 2018**

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

**Monday, the Twenty Fifth day of September Two Thousand and Twenty Three**

**PRESENT**

**The Hon`ble Mr.Justice P. VADAMALAI**

**CMP(MD) No.6113 of 2018**

**IN**

**SA(MD) No.SR18643 of 2018**

**L.SHEEJA LEO,  
REPBY POWER AGENT  
LEON JESU RATNAM**

**... PETITIONER/ APPELLANT**

**Vs**

**1 A.RANJEESAN FERNANDO**

**2 BEULA DIXSON**

**3 JUSTIN DIVAHAR**

**4 JEYA**

**...RESPONDENTS/RESPONDENTS**

**5 GOMATHY**

**6 THE JUNIOR ENGINEER  
TNEB TOWN V,  
VALLANKUMARAVILAI KOTTAI POST.  
AGASTEESWARAM TALUK,  
KANYAKUMARI DISTRICT.**



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7 THE COMMISSIONER  
NAGERCOIL MUNICIPALITY AGASTEESWARAM TALUK,  
KANYAKUMARI DISTRICT.

8 BRIJIT ANTO  
NEAR BEACH ROAD JUNCTION  
MARAVANKUDIYIRUPPU  
NAGERCOIL & VILLAGE AGASTEESWARAM TALUK.  
KANYAKUMARI DISTRICT.

... 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 299 days in filing the above second appeal against the judgment and decree dated 11.04.2017 in so far as Clause -2 of the decree partly dismissing the appeal in AS.No.3 of 2015 on the file of the II Additional Sub Court at Nagercoil thereby reversing the judgment and decree dated 25.11.2014 reversing the mandatory injunction granted in Clause Aa in O.S. No.1048 of 2004 on the file of I Additional District Munsif, Nagercoil.

PRAYER IN SA(MD)SR.No.18643 OF 2018:

To set aside the judgment and decree dated 11.04.2017 in so far as Clause -2 of the decree partly dismissing the appeal in AS No. 3 of 2015 on the file of the II Additional Subordiante Court at Nagercoil thereby reversing the judgment and decree dated 25.11.2014 reversing the mandatory injunction granted i n Clause “Aa” in O.S.No. 1048 of 2004 on the file of I Additional District Munsif Nagercoil and allow this second appeal on the file of this Hon'ble Court.



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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.R.RUSSEL RAJ, Advocate for the petitioner and of Mr.V.Angusamy, Advocate for the Respondents 1 to 4 and of MR.B.MICHEL SEBASTIN, Advocate for the 8<sup>th</sup> Respondent and the 6<sup>th</sup> Respondent not appearing either in person or by an advocate, the court made the following order:-

This Petition is filed to condone the delay of 299 days in filing the Second Appeal before this Court.

2. The learned counsel for the petitioner as well as the learned counsel for the respondents R1 to R4 and the learned counsel for the 8<sup>th</sup> respondent are present before this Court and there is no representation for the 6<sup>th</sup> respondent. The respondent's 5 and 7 names have been printed in the cause list.

3. The learned counsel for the respondents 1 to 4 and 8 have raised the formal objections.

4. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents 1 to 4 and 8 and also perused the materials placed before this Court.

5. Being satisfied with the reasons stated in the affidavit filed in support of this petition, the delay of 299 days in preferring the Second Appeal is condoned on



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payment of costs of Rs.1,000/- (Rupees one Thousand only), by the petitioner to the respondents 1 to 4 and Rs.1,000/- (Rupees One Thousand only) to the 8<sup>th</sup> respondent (In total Rs.2,000/-) within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without further reference to this Court. Accordingly, this Civil Miscellaneous Petition is allowed.

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

sd/-  
25/09/2023

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/10/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TTA

TO

1 THE II ADDITIONAL SUBORDINATE JUDGE, NAGERCOIL.

2 THE I ADDITIONAL DISTRICT MUNSIF, NAGERCOIL.



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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.6113 of 2018  
IN  
SA(MD) No.SR18643 of 2018  
Date :25/09/2023

PKP/DD/SAR- /06.10.2023/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified  
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