



CMP(MD) No.11286 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

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

PRESENT

The Hon'ble Mr.Justice P.VADAMALAI

CMP(MD) No.11286 of 2022

in

SA(MD) S.R.No.63874 of 2022

RAJAM

... PETITIONER/ APPELLANT

Vs

1 RAJAMONY

2 SARASAM

3 SUNDARRAJ

... 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 3342 days in preferring the Second Appeal challenging the Judgment and Decree passed in A.S.No.56 of 2009 on the file of the Subordinate Judge, Padmanabhapuram dated 21.02.2013 modifying the Judgment and Decree passed in O.S.No.82 of 2004 on the file of the Principal District Munsif Court, at Padmanabhapuram dated 30.01.2009.

Prayer in SA(MD)SR.63874/2022 :

To prefer this Memorandum of Second Appeal against the Judgment and Decree passed in A.S.No.56 of 2009 on the file of the Subordinate Judge, Padmanabhapuram dated 21.02.2013 partly confirming the judgment and decree passed in O.S.No.82 of 2004 on the file of the Principal District Munsif Court, at Padmanabhapuram dated 30.01.2009.



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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 MR.C.K.M.APPAJI, Advocate for the petitioner and none appeared either in person or by an advocate on behalf of the Respondent Nos.1 to 3, the court made the following order:-

This petition has been filed to condone the delay of 3342 days in filing the Second Appeal in S.R.No.63874 of 2022.

2. Heard the learned counsel for the petitioner .

3. The respondents No.1 to 3 have been duly served and even after printing their names, there is no representation for the respondents No.1 to 3.

4. I have perused the affidavit filed in support of the petition. Being satisfied with the reasons stated in the affidavit filed in support of this petition, I am inclined to condone the delay of 3342 days in filing the Second Appeal on payment of cost.

5. Accordingly, this Civil Miscellaneous Petition is allowed on a condition that the petitioner/appellant to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Madurai Bench of Madras High Court, Madurai, (A/c.No.7567821433, IFSC: IDIB000H040, Indian Bank, High Court, Madurai Branch) in favour of Kalaigarn Centenary Library, 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.

6. On such compliance, Registry is directed to number the Second Appeal, if it is



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otherwise in order and list the same for admission in the usual course.

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sd/-
03/08/2023

/ TRUE COPY /

/08/2023

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

indu

TO

- 1 THE SUBORDINATE JUDGE, PADMANABHAPURAM.
- 2 THE DISTRICT MUNSIF, PADMANABHAPURAM.

COPY TO

- 1 THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SUB ASSISTANT REGISTRAR, A.E.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE, KALAINAR CENTENARY LIBRARY,
MADURAI.

ORDER IN
CMP(MD) No.11286 of 2022
in
SA(MD) S.R.No.63874 of 2022
Date :03/08/2023

RS/MMS/SAR-3(11.08.2023) 3P 8C
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