



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

Wednesday, the Fifteenth day of February Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice SUNDER MOHAN

C.M.P.(MD).No.67 of 2023
in
S.A.(MD).SR.No.19263 of 2014

G. LAWRENCE (DIED)

L. SUKUMARI (DIED)

1. MARIA RANJITHAM

2 L.DARVIN

... PETITIONERS/APPELLANTS

Vs

1 DHAS

2 SUTHAMONY

3 SELVARAJ

4 SWARNAM

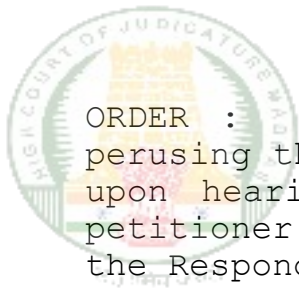
... RESPONDENTS/RESPONDENTS

(CAUSE TITLE IS ACCEPTED VIDE COURT
ORDER DATED 30.11.2022 MADE IN CMP
(MD)NO.11549 OF 2022 IN SA(MD)
SR.NO.19263 OF 2014 BY BPJ)

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 2378 days in re-presenting S.A. (MD). SR. No. 19263 of 2014 and thus render justice.

PRAYER IN S.A.(MD).SR.No.19263 of 2014:

To set aside the judgment and decree dated 29.08.2013 passed in A.S.No.42 of 2011 on the file of the Subordinate Judge, Kuzhithurai, Kanyakumari District, confirming the Judgment and Decree dated 25.01.2011 passed in O.S.No.185 of 2001 on the file of the Principal District Munsif, Kuzhithurai, Kanyakumari District.



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S C.T.PERUMAL, Advocate for the petitioner and of M/S.V.M.BALAMOCHAN THAMBI, Advocate on behalf of the Respondents the court made the following order:-

This petition is filed to condone the delay of 2378 days in re-presenting the Second Appeal.

2. The learned counsel for the petitioners/appellants submits that the mother of the petitioners/appellants was affected by cancer and she had made arrangements for filing of the appeal. She died on 18.01.2016. Therefore, the Second Appeal has been filed with a delay of 2378 days.

3. Though the respondents have been served and are represented by a counsel, there is no representation for the respondents.

4. Hence, being satisfied with the reasons stated in the affidavit filed in support of this petition, the delay is condoned. However, in view of the enormous delay, it is just and necessary to impose a cost of Rs.1000/- (Rupees One Thousand only) payable to the Honourable Chief Justice Relief Fund within a period of two (2) weeks from the date of receipt of a copy of this order. This Civil Miscellaneous Petition is ordered on the said terms.

sd/-

15/02/2023

/ TRUE COPY /

/03/2023

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

lm

TO

1 THE SUBORDINATE JUDGE, KUZHITHURAI, KANYAKUMARI DISTRICT,
2 THE PRINCIPAL DISTRICT MUNSIF, KUZHITHURAI, KANYAKUMARI DISTRICT.

COPY TO

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
(CHIEF JUSTICE RELIEF FUND)

ORDER IN

C.M.P. (MD) .No.67 of 2023

in

S.A. (MD) .SR.No.19263 of 2014

Date :15/02/2023

RK/BUC/SAR-1(06/03/2023) 2P/4C

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