



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

Monday, the Thirtieth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

C.M.P (MD) No.549 of 2023
in
SA(MD) SR.No.1580 of 2019

1 REJINA PACKIATHAI

2 ROBERT

... PETITIONERS/APPELLANTS

Vs

SRI NARAYANA SWAMY DEITY OF
SRI NARAYANA SWAMY TEMPLE,, KANAM VILLAGE,
KURANTHANVILAI, TIRUCHENDUR TALUK, THROUGH
ITS TRUSTEE KOVINTHARAJ NADAR (DIED),
BALASINGH RAMANUJAM.

... RESPONDENTS/RESPONDENTS

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 662 days in representing the second appeal in S.A. (MD). SR. No. 1580 of 2019 and thus render justice.

PRAYER IN SA(MD) SR.No.1580 of 2019:

To allow the appeal and set aside the judgment and decree passed in A.S.No.111 of 2014 dated 28.11.2014 on the file of the 1st Additional District Court, Thoothukudi partly modifying the judgment and decree passed in O.S.No.764 of 1995 dated 01.04.2003 on the file of Additional District Munsif Court, Tiruchendur.

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.H.ARUMUGAM, Advocate for the petitioner, the court made the following order:-

This application has been filed to condone the delay of 662 days in re-presenting the above Second Appeal.

2.The learned counsel appearing for the petitioner submits that since the sister of the previous counsel died, the previous counsel has not followed up the case properly and therefore, the delay of 662 days occurs. Now, on change of Vakalath, the present counsel has entered appearance and has also filed an application for condonation of delay. He further submits that if there is merit in the second appeal. He further submits that if



the delay is not condoned, the petitioner would be prejudiced.

3.Considering the submission made on behalf of the petitioner, this Court is inclined to allow this petition on condition that a cost of Rs.5,000/- has to be paid by the petitioner to the "Bubbles Day Care Creche, maintained by Women Advocates Association, Madurai Bench of Madras High Court, Madurai." within a period of two weeks from the date of receipt of a copy of this order.

4.Registry is directed to number the Second Appeal after ensuring the payment made by the petitioner as stated supra and post it in the regular course.

sd/-

30/01/2023

/ TRUE COPY /

/02/2023

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

vrn

TO

THE 1ST ADDITIONAL DISTRICT JUDGE, THOOTHUKUDI.

COPY TO

THE OFFICER IN CHARGE,
BUBBLES DAY CARE CRECHE,
MAINTAINED BY WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

C.M.P (MD) No.549 of 2023

in

SA(MD) SR.No.1580 of 2019

Date :30/01/2023

RK/VR/SAR-2 (10/02/2023) 2P/3C