



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

Friday, the Twenty Third day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CMP(MD) No.7214 of 2023
in
SA(MD) SR.No.18302 of 2017

KUNNAPPAN

... PETITIONER/APPELLANT

Vs

1 JEEVAGAN
2 NALLU

... 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 338 days in representing the main second appeal in SA SR(MD) No.18302 of 2017 as against the Judgment and decree dated 19.06.2008 passed in AS No.81 of 2006 on the file of the 1st Additonal Sub judge, Trichy, confirming the Judgment and Decree dated 08.11.2004 passed in OS No.283 of 1992 on the file of the District Munsif Court, Manapparai.

PRAYER IN SA(MD).SR18302/2017 :

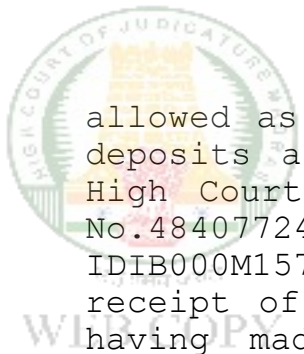
To set aside the judgment and decree dated 19.06.2008 passed in A.S.No.81 of 2006 on the file of the 1st Additional Sub Judge, Trichy, confirming the judgment and decree dated 08.11.2004 passed in O.S.No.283 of 1992 on the file of the District Munsif Court, Manapparai by allowing this Second Appeal.

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.K.SIVABALAN, Advocate for the petitioner, the court made the following order:-

This application has been filed to condone the delay of 338 days in representing the Second Appeal.

2.The petitioner has stated in the affidavit filed in support of this application that since the bundle had got misplaced, there has been a delay of 338 days in representing the Second Appeal.

3.Since the delay is 338 days, this Court is of the considered view that the petitioner must be put on terms for allowing this application. Accordingly, this Civil Miscellaneous Petition is



allowed as prayed for subject to the condition that the petitioner deposits a sum of Rs.1000/- (Rupees One Thousand only) to Madras High Court Advocate Clerks Welfare Association, Chennai, (Account No.484077244, Indian Bank, High Court Branch, IFSC Code: IDIB000M157), within a period of one (1) week from the date of receipt of a copy of this order. On production of the proof for having made the aforesaid payment within the stipulated time, Registry is directed to number the Second Appeal, if it is otherwise in order and list the same for admission.

sd/-

23/06/2023

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/07/2023

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

lm

TO

1 THE I ADDITIONAL SUBORDINATE JUDGE, TRICHY.

2 THE DISTRICT MUNSIF, MANAPPARAI.

COPY TO

1 THE SUB ASSISTANT REGISTRAR, A.E.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE OFFICER INCHARGE, ADVOCATE CLERKS WELFARE ASSOCIATION,
MADRAS HIGH COURT, CHENNAI.

ORDER

IN

CMP(MD) No.7214 of 2023

in

SA(MD) SR.No.18302 of 2017

Date :23/06/2023

RS/VR/SAR-(05.07.2023) 2P 6C