



WEB COPY



C.M.P.No.28677 of 2023 in S.A.Sr.No.160353 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.P.No.28677 of 2023

in

SA.SR.No.160353 of 2023

[C.M.P.No.28677 of 2023]

Mr.Prasad

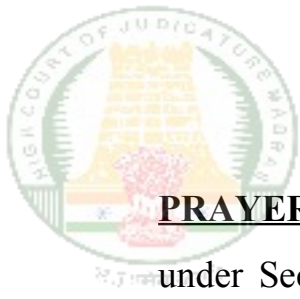
... Petitioners/Appellants

Vs.

1.Archbishop of Madras Mylapore,
rep. by his duly appointed Power
Agent Rev.S.Ignatirus Thomas
Archbishop's House
No.41, Santhome High Road,
Chennai - 600004.

2.Archdiocese of Madras Mylapore Society
Chairman, Archbishop of Madras,
Mylapore rep. by his duly appointed
Power Agent Rev.S.Ignatirus Thomas
Archbishop's House
No.41, Santhome High Road,
Chennai - 600004.

... Respondents/Respondents



PRAYER in C.M.P.No.28677 of 2023: Civil Miscellaneous Petition filed under Section 5 of the Limitation Act to condone the delay of 1538 days in filing the Second Appeal against Judgement and Decree dated 23.07.2019 made in A.S.No.185/2018 on the file of the Hon'ble VI Additional City Civil Court, Chennai.

[SA.SR.No.160353 of 2023]

Mr.Prasad

... Appellant

Vs.

1.Archbishop of Madras Mylapore,
rep. by his duly appointed Power
Agent Rev.S.Ignatirus Thomas
Archbishop's House
No.41, Santhome High Road,
Chennai - 600004.

2.Archdiocese of Madras Mylapore Society
Chairman, Archbishop of Madras,
Mylapore rep. by his duly appointed
Power Agent Rev.S.Ignatirus Thomas
Archbishop's House
No.41, Santhome High Road,
Chennai - 600004.

... Respondents

PRAYER in SA.SR.No.160353 of 2023: Second Appeal is filed under Section 100 of C.P.C against the Judgement and Decree dated 23.07.2019 made A.S.No.185 of 2018 on the file of the VI Additional City Civil Court, Chennai confirming the Judgement and decree dated 07.02.2018 made in O.S.No.4055 of 2014 on the file of the XV Additional City Civil Court, Chennai.



WEB COPY



C.M.P.No.28677 of 2023 in S.A.Sr.No.160353 of 2023

For Appellant : M/s.Joseph Thatheus Jerome

For Respondents : M/s.Auxilia Peter

ORDER

The above Petition is filed by the defendant/appellant for condoning the delay of 1538 days in filing the above Second Appeal.

2. On 02.01.2024, this Court had passed the following directions:-

" Post on 03.01.2024, for filing an affidavit of undertaking that the petitioner will vacate the premises within three months from today, otherwise orders will be passed."

3. The petitioner has filed an affidavit of undertaking dated 03.01.2024 in keeping with the above order undertaking to vacate the premises on or before 05.04.2024.



WEB COPY

4. When the matter had come up in the morning, the learned counsel for the respondents/plaintiffs had expressed her doubt with reference to the signature affixed stating that it was not affixed by the petitioner himself. Therefore, this Court had directed the party to be present before this Court at 2:15 p.m. When the matter was called at 2:15 p.m., the party was present and his credentials were verified with the softcopy of his Aadhar Card and Driving License. The identity of the petitioner was confirmed and he was asked to affix another signature in the said affidavit.

5. The above C.M.P.No.28667 of 2023 is therefore disposed of on the basis of the affidavit of undertaking dated 03.01.2024 with a direction that the petitioner should vacate the premises on or before 05.04.2024. The above affidavit of undertaking dated 03.01.2024 is taken on file.

6. Post C.M.P.No.28677 of 2023 “*for reporting compliance*” on 08.04.2024.



WEB COPY

7. In the light of the order passed in C.M.P.No.28667 of 2023, the above Second Appeal in SA.Sr.No.160353 of 2023 also stands closed at S.R. stage itself. No costs.

8. Meanwhile, it is informed that the petitioner had deposited the rent into the bank. The said amount shall be withdrawn and paid to the respondents within a period of 3 weeks from the date of receipt of a copy of this order and the petitioner shall continue to pay the monthly rents to the respondents without any default.

03.01.2024

Index : Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

shr

To

1. The VI Additional City Civil Court, Chennai.

2. The XV Additional City Civil Court, Chennai.

3. The Section Officer,

5/6



C.M.P.No.28677 of 2023 in S.A.Sr.No.160353 of 2023

V.R.Section, High Court, Madras

WEB COPY

P.T.ASHA, J.,

shr

C.M.P.No.28677 of 2023
in
S.A.SR.No.160353 of 2023

03.01.2024