



CMP(MD) No.9031 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Tenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD) No.9031 of 2024
in
SA(MD) No. SR 41163 of 2024

MASANAM (DIED)

1. GOPAL

2 ANANDHAVALLI

3 ANANDHAVAL

4 KALAIYARASI

... PETITIONERS/ APPELLANTS

Vs

1 HAMEETHABEEVI

2 MUHAMMED SATHIK

3 SITHIK

4 SEENI FATHIMA

... 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 764 days in filing the Second Appeal as against the Decree and Judgment in AS No.56 of 2018 on the file of the Sub Court, Ramanthapuram, dated 21.12.2021 by confirming the Decree and Judgment in OS No.72 of 2013 on the file of

<https://www.mhc.tn.gov.in/judis>



CMP(MD) No.9031 of 2024

the District Munsif Court, Ramanathapuram, dated 20.08.2018.

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Prayer in SA(MD) No. SR 41163 of 2024 :

To set-aside the Decree and Judgment of the case in A.S.No.56 of 2018 dated 21.12.2021, On the file of the Sub Court, Ramanathapuram by confirming the Decree and Judgment of the case in O.S.No.72 of 2013 dated 20.08.2018 on the file of the District Munsif Court, Ramanathapuram, by allowing this Second Appeal.

ORDER : This Civil Miscellaneous 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.D.BALAMURUGAPANDI, Advocate for the petitioner and of MR.J.BARATHAN, Advocate on behalf of the Respondent Nos.1, 2 & 4 and none appeared either in person or by an advocate on behalf of the 3rd Respondent, the court made the following order:-

The second appeal has been filed as against the concurrent findings of the Courts below with a delay of 764 days.

2.The learned Counsel for the petitioners submits that the first petitioner is an aged person suffering from several ailment and that he could not follow up the case and file the appeal in time.

3.On 27.08.2024, the learned Counsel for the respondents 1, 2 and 4 took adjournment for filing counter affidavit and again on 02.09.2024. However, no counter affidavit has been filed.

4.Considering the reasons assigned in the affidavit filed in support of this petition, this Court is inclined to condone the delay of 764 days in filing the second appeal. Accordingly, this petition is ordered with a cost of Rs.5,000/-, which has to be paid by the appellants to the respondents, within a period of two weeks, from the



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date of receipt of a copy of this order and the delay is condoned.

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5.For reporting compliance, post the matter on 25.09.2024.

sd/-

10/09/2024

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/09/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUBORDINATE JUDGE, RAMANATHAPURAM.

2 THE DISTRICT MUNSIF, RAMANATHAPURAM.

ORDER

IN

CMP(MD) No.9031 of 2024

in

SA(MD) No. SR 41163 of 2024

Date :10/09/2024

RS/SG/SAR-(19.09.2024) 3P 3C

Madurai Bench of Madras High Court is issuing
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