



CMP(MD)No.462 of 2024

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

Tuesday, the Thirteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD)No.462 of 2024

in

SA(MD) SR No.73808 of 2023

1 P.AYYADURAI

P.MUTHUPANIDAN (DECEASED)

2 MARIAMMAL,

3 PANDIYAN,

4 ANBARASU,

5 ANUPRIYA,

... PETITIONERS/ APPELLANTS

Vs

JOSEPH (DIED)

1 SARAL,

2 J. SUVISESAMUTHU,

3 J. ARULMANI,

4 J. KOVILPANDI,

5 J. JEBAKANI,

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



CMP(MD)No.462 of 2024

6 J. BALASUNDAR,

... 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 417 days in filing the above Second Appeal.

(*)No.of days amended vide court order dated 30.07.2024 made in CMP(MD)No. 9983 of 2024 in SA(MD)SR.No. 73808 of 2023 by GIJ.

PRAYER IN SA(MD) SR No.73808 of 2023:

Pleased to set aside the judgment and decree dated 22.02.2022 passed in A.S.No.9 of 2015 on the file of Learned Sub-Judge, Sankarankovil confirming the judgment and decree dated 04.08.2014 passed in O.S.No.120 of 2007 on the file of Learned Principal District Munsif Court, Sankarankovil.

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 M/S.M.P.SENTHIL, Advocate for the petitioner and of Mr.S.RAMESH @ RAMAIAH, Advocate on behalf of the Respondents, the court made the following order:-

This Civil Miscellaneous Petition is filed to condone the delay of 417 days in filing the second appeal in SA(MD) SR No.73808 of 2023.

2.The learned counsel for the respondents has raised strong objection that there is a huge delay and the same was also not properly explained.

3.In reply, the learned counsel for the petitioner submits that the delay has been calculated as 83 days inadvertently. She further submits that she is having a good case. Therefore, the delay may be condoned.



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4.Considering the submission made by the learned counsel for the petitioner, this Civil Miscellaneous Petition is allowed on condition that the petitioners are directed to pay a sum of Rs.2000/-(Rupees Two Thousand) to the respondents within a period of two weeks.

List the matter after two weeks along with proof of payment.

sd/-
13/08/2024

/ TRUE COPY /

/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO
1 THE SUBORDINATE JUDGE,
SANKARANKOVIL.

2 THE PRINCIPAL DISTRICT MUNSIF,
SANKARANKOVIL.

ORDER
IN
CMP(MD)No.462 of 2024
in
SA(MD) SR No.73808 of 2023
Date :13/08/2024

SA/GS/SAR. /27.08.2024/3P/3C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.