



C.M.P.(MD)No.16286 of 2024

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

Friday, the Thirteenth day of December Two Thousand and Twenty Four

PRESENT
The HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.P.(MD)No.16286 of 2024
in
S.A.(MD)S.R.No.1522 of 2023

TAMILSELVI ... PETITIONER/ APPELLANT

Vs

1 BANUMATHI

2 UMA MAHESWARAN

3 POORNA KALA

4 PONLAKSHMI DEVI ... 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 650 days in representing appeal in S.A.SR.(MD).No.1522 of 2023 and thus render justice.

PRAYER IN S.A.(MD)S.R.No.1522 of 2023:

To set aside the judgment and decree made in A.S.No.69 of 2020 on the file of the Principal District Judge, Tirunelveli confirmed dated 06.03.2021, against the Judgment and Decree made in O.S.No.104 of 2013 on the file of Sub Court, Ambasamuthiram dated 30.11.2018.

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 MR.S.M.MOHAN GANDHI, Advocate for the petitioner and not appeared for the respondents 1,2 & 4 either in person or through by an advocate, the court made the following order:-



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This petition is filed to condone the delay of 650 days in representing the appeal.

2. Notice served to the respondents 1, 2 and 4.

3. The learned counsel appearing for the petitioner / appellant would submit that there is a delay of 650 days in representation of the appeal due to the reason that he was not able to get the papers from the lawyer who was engaged by the petitioner / appellant in the lower Court. However, now the respondents are attempting to demolish the house through the Judgement and decree obtained before the Appellate Court. The learned counsel would submit that the petitioner / appellant is ready and willing to deposit the decree amount within a period of four weeks time, once the Second Appeal is numbered.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed and the delay is condoned.

5. Due to the peculiar circumstances prevailing in this case and due to the fact



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that the documents have been misused and the Courts below have also passed the decree without considering the aspect of ready and willingness, this Court is inclined to grant an order of stay. It is also seen that the house is a dwelling house and hence, in the interest of justice, this Court by exercising its extraordinary powers, is granting an order of stay of the Judgement and decree dated 06.03.2021 in A.S.No.69 of 2020 on the file of the learned Principal District Judge, Tirunelveli at the stage of disposing of the delay in representation application itself, subject to the condition that the petitioner / appellant deposits a sum of Rs.1,50,000/- before the Executing Court within a period of four weeks from the date of receipt of a copy of this order.

sd/-
13/12/2024

/ TRUE COPY /

13/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

TO
THE PRINCIPAL DISTRICT JUDGE, TIRUNELVELI

COPY TO

1.THE SUB ASSISTANT REGISTRAR(AE)
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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

ORDER
IN
C.M.P.(MD)No.16286 of 2024
in
S.A.(MD)S.R.No.1522 of 2023
Date :13/12/2024

RK(13/12/2024) 4P / 4C

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