



C.M.P.(MD)No.146 of 2024

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

Friday, the Twenty Second day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.P.(MD)No.146 of 2024
in
S.A.(MD)SR.No.96323 of 2023

STATE OF TAMIL NADU
REPRESENTED BY ITS DISTRICT COLLECTOR,
THANJAVUR,
HAVING HIS OFFICE AT COLLECTORATE,
THANJAVUR TOWN.

... PETITIONER/ APPELLANT

Vs

1 DAKSHINAMURTHY

2 MINOR. ILAKKIYA,
REPRESENTED BY HER FATHER AND GUARDIAN
DHAKSHINAMURTHY,

3 PREMA

4 J.SUDHA,

5 DR. ABDUL KAVI,
MEDICAL OFFICER,
PRIMARY HEALTH CENTRE,
THIRUNAGESWARAM,
KUMBAKONAM TALUK,
THANJAVUR DISTRICT.

... RESPONDENTS/RESPONDENTS



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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 571 days in filing the Second Appeal against the judgment and decree passed in AS No.124 of 2018 dated 12.01.2022, on the file of the District Judge, Fast Track Court, Kumbakonam and thus render justice.

PRAYER IN S.A.(MD)SR.No.96323 of 2023:

Pleased to set aside the Judgment and Decree AS.No.124 of 2018 passed by the Additional District Judge, Fast Track Court, Kumbakonam dated 12.01.2022, which confirmed the judgment and decree in OS.No.166 of 2012 passed by the Additional Subordinate Judge, Kumbakonam, dated 26.02.2016 and to set aside the Decree and Judgment and allow 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.P.THAMBIDURAI, Government Advocate on behalf of the petitioner and of Mr.G.GOMATHI SHANKAR, Advocate for the Respondents No.1 & 2 and Mr.J.PAREKH KKUMAR, Advocate for the Respondents No.3 & 4 and none appeared for the 5th Respondent side either in person or by an advocate, on behalf of the Respondents the court made the following order:-

This petition is filed to condone the delay of 571 days in filing the above appeal.

2. The learned counsel for the respondents 1 to 4 are present. No representation on behalf of the fifth respondent.

3. The learned counsel appearing for the respondents 1 to 4 would both submit that the appeal is filed against the concurrent Judgment. The suit was decreed in favour of the plaintiff and the first appeal filed by the defendant was dismissed.

4. The learned Government Advocate appearing on behalf of the petitioner



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would submit that the delay was due to administrative reasons.

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5. However, the learned counsel appearing for the respondents 1 to 4 would both submit that the reasons stated in the affidavit are not acceptable and they made formal objection that in the event if this Court is inclined to consider the request of the petitioner, the delay may be condoned subject to the payment of costs.

6. Considering the submissions on both sides and in the interest of justice, this petition is ordered and the delay is condoned subject to the payment of Rs.2,000/- (Rupees two thousand only) by the petitioner to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam, within a period of two weeks from the date of receipt of a copy of this order. In default, this miscellaneous petition shall stand dismissed automatically without any further reference to this Court.

7. On such payment, Registry is directed to take the appeal on file, if it is otherwise in order and list it for admission in the usual course.

sd/-

22/11/2024

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/11/2024

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



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TO

1 THE ADDITIONAL DISTRICT JUDGE,
FAST TRACK COURT, KUMBAKONAM.

2 THE ADDITIONAL SUBORDINATE JUDGE,
KUMBAKONAM.

COPY TO:

THE DISTRICT SIDDHA MEDICAL OFFICER
CCRI PKM,
PERIYAKULAM.

ORDER IN
C.M.P.(MD)No.146 of 2024
in
S.A.(MD)SR.No.96323 of 2023
Date :22/11/2024

SA/VR/SAR. /29.11.2024/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.