



C.M.P(MD)No.12528 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN

C.M.P(MD)No.12528 of 2025

in

S.A(MD)No.SR28654 of 2022

1.Maria Arulappan (Died)

2.Julius Prasad

... Petitioners / Appellants

(Cause title is accepted vide Court order dated 09.07.2025 made in CMP(MD) No.10340 of 2025.)

Vs

1.Jose Xavier

2.Alfred Jose

...Respondents/ Respondents

PRAYER: This Petition filed under Order IV Rule 9(4) of AS Rules, to condone the delay of 1086 days in representing the above second appeal in SA(MD)No.SR28654 of 2022.

For Petitioner : Mr.A.Mohamedhaneef



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ORDER

This Civil Miscellaneous Petition is filed to condone the delay of 1086 days in representing the second appeal in SA.No.SR28654 of 2022.

2. Heard the learned counsel for the petitioner / appellant and perused the affidavit filed in support of this petition.

3. The second appeal filed has been returned for rectifying certain defects on 17.06.2022. It is submitted that the same was intimated to the petitioner's father, but however, the petitioner's father fell ill and due to his illness, he passed away on 27.02.2023. Only thereafter, return of papers came to the knowledge of the petitioner, who had taken steps and represented the appeal. In the meantime, the delay has occurred. Considering the reasons adduced and satisfied with the same, this Court is of the considered opinion that the delay could be condoned by putting the petitioner / appellant on terms.

4. In view of the above, the delay is condoned on condition that the petitioner / appellant pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the



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to the credit of the Women Advocates Association, Madurai Bench of Madras High
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Court (Account No.6477041768, IFSC Code: IDIB000H040, Indian Bank, High Court
Branch, Madurai, Branch Code: 2001], for the purpose of maintaining Creche, within
a period of two weeks from today (05.08.2025), failing which, the Civil
Miscellaneous Petition shall stand automatically dismissed without any further
reference to the Court.

sd/-
05/08/2025

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/08/2025
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM

TO

1 THE SUB COURT,
ERANIEL.
KANYAKUMARI.

2 THE ADDITIONAL DISTRICT MUNSIF COURT,
ERANIEL,
KANYAKUMARI .

3 THE OFFICER INCHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CMP(MD) No.12528 of 2025
IN
SA(MD)NO.SR28654 of 2022
Date :05/08/2025

NM/07.08.2025/ 4P/4C

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