



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Sixth day of April Two Thousand and Seventeen

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CMP(MD) No.3204 of 2017
IN
AS(MD) No.1005 of 1986

ANWAR BATCHA

... PETITIONER/APELLANT NO.3

Vs

1.KAMALUDEEN
2 MOHAMED ISMAIL
3 MEHRUNNISA
4 DAWOOD BIBI

... RESPONDENTS 1 TO 4/
APPELLANTS 4 TO 7

5 AMMAJAN
6 RAHAMATHUNNISSA

... RESPONDENTS 5 & 6/
APPELLANTS 9 & 10

SETHU ODAYAR(DIED) .

7 JAYARAMAN
CHANDRASU AMMAL(DIED)
8 RAMALINGAM
9 ANUSUYA
10 SUSEELA

... RESPONDENT NO.7/RESPONDENT NO.2

... RESPONDENTS 8 TO 10/
RESPONDENTS 8 TO 10

(R8 to R10 are brought on record as LRS of deceased Sethu Odayar vide Court order dated 31.01.2017 made in CMP(MD)No.576/2017 in AS(MD)No.1005/1986 by SSSRJ)

(Cause title accepted vide Court order dated 28.02.2017 made in CMP(MD)No.1546/2016 in AS(MD)No.1005/1986 by SSSRJ)

Civil Miscellaneous Petition filed under order 41, Rule 19 of Code of Civil Procedure, praying this Court to restore the order passed in AS.No.1005/1986 dated 21/01/2002 and take the above appeal suit on record.

Prayer in CMP(MD).No.7524/ 2016 in AS(MD)No.1005/1986:

To condone the delay of 5236 days in filing the restoration petition to restore order passed in AS(MD)No.1005/1986 dated 21.01.2002.

Prayer in AS(MD)No.1005/1986:

Appeal Suit filed under Section 96 of CPC against the Judgment and decree dated 9th August 1985 in O.S.No.129 of 1980 on the file of the Subordinate Judge, Thanjavur.



This Application coming on for hearing on this day, upon perusing the petition and the affidavit filed in support thereof, and upon hearing the arguments of Mr.T.Srinivasa Raghavan, Advocate for the Petitioner and of Mr.T.A.Ebenezer, Advocate for 7th respondent, and of Mr.K.N.Govardhan, Advocate for the 2nd and 5th respondent and of Mr.R.A.Manimaran, Advocate for 9th respondent, this Court made the following order:-

On an earlier occasion, the application to condone the Delay had been allowed on payment of costs. This is the consequential application to restore the Appeal Suit, which was dismissed for default. This application is allowed. Hence, the appeal is restore to file.

2. The learned Counsel for the appellant submitted that he had filed applications to set aside the abatement, to condone the delay, to bring on record the legal representatives. These applications are to be numbered by the office, if they are otherwise in order and since the appeal is of the year 1986, the applications are to be posted before this Court on 11.04.2017 along with the appeal.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

To
THE SUBORDINATE JUDGE, THANJAVUR.

COPY TO:

- 1 The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.
- 2 The Sub Assistant Registrar,
AE Section,
Madurai Bench of Madras High Court,
Madurai.

Dated :06.04.2017

ORDER

CMP(MD) No.3204 of 2017

IN

AS No.1005 of 1986

Giving directions stated
within.