



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Twenty First day of December Two Thousand and
Seventeen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

CMP (MD) No.9121 of 2017

IN

AS No.428 of 1995

M. SANKARASBRAMANIAN

... PETITIONER/1st RESPONDENT

Vs

1.T.A.SRINIVASAN

2.T.A.THIRUMALAI

3.T.A.ALAGAR

4.T.A.VENKATACHARI

5.CHELLAMMAL

... RESPONDENTS 1 TO 5/APPELLANTS

6.JANAKI

... RESPONDENT NO.6/RESPONDENT

Miscellaneous Petition is filed under order 41 Rule 21 r/w 151 of CPC, praying this Court to set aside order passed in M.P.No. 1 of 2011 in A.S.No. 428 of 1995 dated 18/02/2016 and rehear the condone delay application in M.P.(MD).No. 1 of 2011 in A.S.No. 428 of 1995.

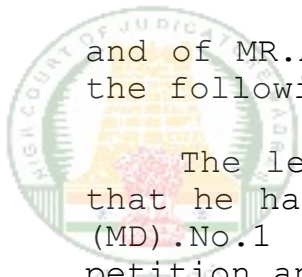
Prayer in MP (MD).No.1/2011 in A.S.No.428/1995:

Miscellaneous Petition is filed under section 5 of the Limitation Act, praying this Court to condone the delay of 1545 days in filing the petition to restore the A.S.No.428/95 which was dismissed for default on 13.03.2007 on the file of this Hon'ble Court.

Prayer in A.S.No.428/95:-

Appeal Suit filed under Section 96 of CPC, preferred against the Judgment and decree dated 25/11/94 in O.S.No.113/87 on the file of the Subordinate Judge, Srivilliputhur.

ORDER : This petition is coming on for hearing on this day, upon perusing the petition, affidavit filed in support thereof and the earlier order of this Court and upon hearing the arguments of Mr.V.Meenakshisundaram for MR.R.Nireshkumar, Advocate for Petitioner



and of MR.A.R.M.Ramesh, Advocate for the Respondent this Court made the following order:-

The learned Counsel for the respondents/appellants would submit that he has no objection in setting aside the order passed in M.P.(MD).No.1 of 2011 in A.S.No.428 of 1995 and thereby allowing this petition and he has also made an endorsement to that effect.

2. In view of the above submission and endorsement made, this petition is allowed and M.P(MD).No.1 of 2011 in A.S.No.428 of 1995 is restored to its original file for rehearing.

sd/-

Assistant Registrar(CS-II)

/ TRUE COPY /

Sub-Assistant Registrar

TO

THE SUBORDINATE JUDGE,
SRIVILLIPUTHUR.

COPY TO:

THE SECTION OFFICER,
VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER DATED :21/12/2017

ORDER

CMP(MD) No.9121 of 2017
IN
AS No.428 of 1995

Giving direction of etc.,
as stated within.

AE/SV MMS/SAR1/03.01.2018/2P/3C