



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) No.11761 of 2017

IN

AS No.685 of 2004

DR.P.RAMAKRISHNAN

... PETITIONER/5th APPELLANT

Vs

1 THE IDOL ARULMIGU
RENGANATHASWAMY TEMPLE,
SRIRENGAM, REP., BY
TEH EXECUTIVE OFFICER, SRIRENGAM,
THIRUCHIRAPALLI -6.

2 SRI VENKATESWARA POLYELINIC BY
ITS SHAREHOLDER R. SELVARAJ,
S/O. RENGASAMY NAICKER, ,
NO.32, OFFICERS COLONY, PUTHUR,
THIRUCHIRAPALLI -17.

3 R. SELVARAJ ...RESPONDENTS No.1 to 3/
RESPONDENTS 1 to 3

4 SRI VENKATESWARA POLYELINIC BY
ITS SHARE HOLDERS, N. PONNAMMAL,
W/O.NAMACHIVAYAM,
NO.16/18, GANDHI ROAD,
SRIRENGAM,
THIRUCHIRAPALLI - 6 ...4th RESPONDENT/1st APPELLANT

5 SRINIVASA NAIDU
NO.202 SATHARA STREET, SRIRENGAM,
THIRUCHIRAPALLI -6.

6 V.S. VELAYUTHAM
7 DR.S. PONNIAH ...RESPONDENTS No.5 to 7/
APPELLANTS No.2 to 4

8 INDRANI
9 ANNAMMAL ...RESPONDENTS No.8 & 9/APPELLANTS No.6 & 7

10 SEENIAMMAL

<https://hcservices.ecourts.gov.in/hcservices/>

11 RAMAKRISHNI

12 PADMA



... RESPONDENTS No.10 to 15/
PROPOSED APPELLANTS No.8 to 13
LR'S of 2nd APPELLANT

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Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone delay in filing 57 days in the restoration petition order dated 22.08.2017 and thus render justice.

PRAYER IN AS No.685 of 2004:

to prefers the above memorandum of grounds of regular appeal against the Judgment and Decree dated 24.12.2003 in O.S.No.134 of 1991 on the file of the Principal Subordinate Court, Tiruchirapalli

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.I.VELPRADEEP, Advocate for the petitioner and of respondent not appearing either in person or by an Advocate, the court made the following order:-

This petition has been filed to condone the delay in filing 57 days in the restoration petition order dated 22.08.2017.

2. The suit was filed for the relief of permanent injunction, recovery of possession. The suit was decreed and the Trial Court has directed that the construction made by the defendants have to be removed and possession has to be handedover to the plaintiff and the suit was decreed on 24.12.2003, against which, the first appeal was preferred by the defendants 2 and 4 to 9 and the first appeal was dismissed for non-prosecution.

3. In view of the representation made by the counsel and also perusal of records the appeal was dismissed only on non-appearance of the appellants on several adjournments. It was found that the appellants were not interested to prosecute the matter.

4. Accordingly, this petition is allowed on payment of cost of Rs.1,000/- (Rupees One Thousand Only) to the Legal Aid Service Authority, attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall automatically be dismissed without further reference to this Court.

sd/-
25/01/2018

/ TRUE COPY /



TO

1 THE PRINCIPAL SUBORDINATE JUDGE, TIRUCHIRAPALLI

2 THE AUTHORIZED OFFICER,
LEGAL SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

ORDER
IN
CMP (MD) No.11761 of 2017
IN
AS No.685 of 2004
Date :25/01/2018

SMA/RR/SAR-3/06.02.2018:2P/3c