



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

Friday, the Twenty Third day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP (MD) No.2209 of 2017

IN

AS (MD) No.SR5806 of 2017

P.AMUTHA

...APPELLANT/DEFENDANT NO.3

Vs

1 S.PARAMASIVAM

2 P.SOLAIMALAIRAJA

3 INDIRA

4 VANITHA

...RESPONDENTS/DEFENDANT Nos.1,2,4 AND 5

M.UMARANI (DIED)

5 S.MANIMAKALAI

6 C.MANKAYARKARASI

... RESPONDENTS/PLAINTIFFS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 615 days in filing the appeal against the final decree passed in I.A.No.428 of 2011 in O.S.No.191 of 2008 dated 22.12.2014 on the file of the I Additional District Court, Madurai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.RAJAMOHAN, Advocate for the petitioner and of Mr.J.BARATHAN, Advocate for R3 to R6, the court made the following order:-

It is brought to the notice of this Court that the learned Counsel appearing for the petitioner in C.M.P.(MD)No.2209 of 2017 in A.S.(MD)No.SR5806 of 2017 has circulated letter expressing his willingness to withdraw the appeal suit and requested the Registry to post the matter for withdrawal. However, this Court, by order dated 01.08.2018, has condoned the delay. The learned Counsel stated that though this Court on 01.08.2018, has dismissed the miscellaneous petition as withdrawn, it has been wrongly recorded by the Personal Assistant as if the petition to condone the delay is allowed.



the order dated 01.08.2018 should be recalled and the miscellaneous petition as well as the unnumbered appeal ought to be dismissed as withdrawn.

3. Having regard to the letter dated 30.07.2018, circulated before this Court, this Court is of the view that the order dated 01.08.2018 is liable to be recalled. As a result, the order in C.M.P.(MD)No.2209 of 2017 in A.S.(MD)No.SR5806 of 2017, dated 01.08.2018, is recalled. In view of the letter circulated by the learned Counsel, the miscellaneous petition and the unnumbered appeal are dismissed as withdrawn.

4. Registry is directed to strike out the number that was assigned to the appeal and issue order copy in terms of the present order.

sd/-
23/11/2018

/ TRUE COPY /

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

TO

THE I ADDITIONAL DISTRICT JUDGE,
MADURAI.

COPY TO

THE SUB-ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/VR-MMS/SAR-3/19.12.2018/2P/3C

ORDER
IN
CMP(MD) No.2209 of 2017
IN
AS(MD) No.SR5806 of 2017
Date :23/11/2018