



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Ninth day of March, Two Thousand and Seventeen

CORAM:

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP (MD) . No.5411 / 2017

in

SA No.1413 / 2003

WEB COPY

A.KARUPPIAH (DIED)

1 K.SATHAMMAI

2 K.ANAND

3 K.VALLI KANNU

4 K.KATHIRESAN

5 K.KARUPPIAH

6 K.SATHAPPAN

... Petitioners / Appellants

- Vs. -

1 A.RAMASAMY CHETTIAR (DIED)

2 M.ALAGAMMAI

3 T.VALLIAMMAI

4 M.MEENAKSHI

5 A.N.DEIVAYANAI

6 RM.LAKSHMI

7 RM.ALAGAPPAN

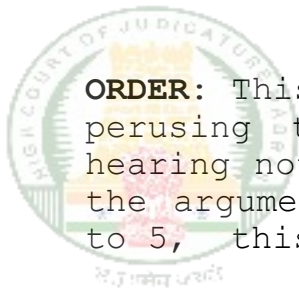
... Respondents / Respondents

Prayer in CMP(MD) .No. 5411 / 2017 :

Civil Miscellaneous Petition is filed under section 5 of Limitation Act, praying this Hon`ble Court, to condone the delay of 989 days in filing petition to restore the CMP(MD).No.5840 of 2014 in SA.No.1413 of 2003 on the file of this court.

Prayer in SA. No.1413 / 2003 :

Second Appeal filed under section 100 of the Code of Civil Procedure, against the Judgment and Decree passed in A.S. No.81/2001 on the file of the Additional District cum Chief Judicial Magistrate, Sivagangai partly confirming the judgment and decree in S.No.101/1998 dated 17/10/2000, on the file of the Subordinate Judge, Sivagangai.



ORDER: This Petition coming on for hearing on this day and upon the perusing the affidavit and petition filed, and the petitioner hearing not appeared in person or through Advocate and upon hearing the arguments of Mr.VIJAY MARY JOY, Advocate for the Respondents 2 to 5, this court made the following Order:

This petition is filed to condone the delay of 989 days in filing petition to restore the C.M.P.No.5840 of 2014 in S.A.No.1413 of 2003 on the file of this Court.

2. When the matter was taken up for hearing on 08.03.2018, there was no representation for the petitioner. Hence, the case was ordered to be listed under the caption 'for dismissal' on 09.03.2018. Even, today (09.03.2018), when the matter is taken up for hearing, there is no representation for the petitioner. Hence, this Civil Miscellaneous Petition is dismissed for non prosecution.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

TO

1. THE SUBORDINATE JUDGE,
SIVAGANGAI.
2. THE ADDITIONAL DISTRICT JUDGE-CUM-
CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

ORDER DATED : 09.03.2018

ORDER

CMP(MD) No.5411 of 2017
IN
SA No.1413 of 2003

MS/KK/SAR-1/24.04.2018/2P.3C