



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

Friday, the Twelfth day of October Two Thousand Eighteen

PRESENT

WEB COPY

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

CMP(MD) No.10284 of 2018

IN

AS(MD) No.SR47006 of 2006

THE SPECIAL TAHSILDAR
ADI DRAVIDAR WELFARE,
PERIYAKULAM.

... PETITIONER/ PETITIONER/
PETITIONER

Vs

1 PERIYAVAIRAVAN CHETTIAR (DIED)

... SOLE RESPONDENT/
SOLE RESPONDENT/ RESPONDENT

2 KAMATCHI AMMAL

3 PERIYAKAMATCHI

4 CHINNAKAMATCHI

5 VELAMMAL

6 KUPPAMMAL

7 PAIYAMMAL

... RESPONDENT NOS. 2 TO 7/
RESPONDENT NOS.2 TO 7/
LR'S OF DECEASED 1st RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the order of dismissal dated 12.04.2010 and restore the same in M.P.(MD)No.1 of 2007 in AS.SR(MD)No.47006 of 2016 on the file of this Honble Court and thus render justice.

PRAYER IN AS(MD) No.SR47006 of 2006:

To present this Memorandum of grounds of Regular Appeal to this Hon`ble Court against the judgment and decree of the learned Sub judge, Sub court, periyakulam in CMA No.7 of 2003 dated 13th day of June 2005 modifying Award on 21.03.1993 made in Award No.7/96-97, Special Thasildar.

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.J.GUNASEELAN MUTHIAH, Additional Government Pleader for the petitioner and of Mr.P.MUTHU VIJAYA PANDIAN, Advocate for R2 to R6, the court made the following order:-

C.M.P.(MD)No.10284 of 2018 has been filed to set aside the order of dismissal dated 12.04.2010 and to restore the same in M.P.(MD)No.1 of 2007 in A.S.(MD)No.SR47006 of 2006.



2. M.P.(MD)No.1 of 2007 had been filed to condone the delay of 339 days in filing the appeal. Since steps were not taken, that application was dismissed on 12.04.2010.

3. The reasons stated in the affidavit filed in support of this petition are that the dismissal of the application was not brought to the notice of the Special Tahsildar, Adi Dravidar Welfare, Periyakulam, Theni District in time. He immediately filed an application when it was brought to his knowledge. In view of the facts stated, the application is allowed.

4. In view of the fact that the application to condone delay was allowed by order dated 28.09.2018 in C.M.P.(MD)No.6316 of 2018, the present C.M.P.(MD)No.10284 of 2018 being consequential is also allowed and M.P.(MD)No.1 of 2007 in A.S.(MD)No.SR47006 of 2016 is restored.

5. Call the other petitions on 26.10.2018.

sd/-
12/10/2018

/ TRUE COPY /

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

TO
THE SUBORDINATE JUDGE,
SUB COURT, PERIYAKULAM.

ORDER IN
CMP(MD) No.10284 of 2018
IN
AS(MD) No.SR47006 of 2006
Date :12/10/2018

MS/PN/SAR-4/25.10.2018/2P.2C