



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

Wednesday, the Nineteenth day of September Two Thousand and Eighteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.9168 of 2018

IN

CMA(MD) No.1073 of 2010

1 RAMAYEE ...1st PETITIONER / 1st APPELLANT
2 VASANTHAL (DIED) ... 2nd APPELLANT
3 VIJAYALAKSHMI ... 2nd PETITIONER / 3rd APPELLANT

Vs

1.AMBIKAPATHY
2.RAMKUMAR
3.BOSE ALAGE @ BOSE
4.KANNAN
5.SUNDARASRINIVASAN
6.SURESHKUMAR
7.PONNALAGU
8.MANI
9.SELVI
10.DHARMARAJ
11.VIJAYALAKSHMI
12.VENKATESH

... RESPONDENTS / RESPONDENTS

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 262 days in filing the restoration application C.M.A.(MD) No. 1073 of 2010 which is dismissed for nonpayment of batta in respect of respondents 8 to 12 by order dated 29-11-2017 and thus render justice.

Prayer in CMA(MD). 1073/ 2010 :

To set aside the judgement and decree dated 08.04.2010 in A.S.No. 2/2009 on the file of the District Judge, Sivagangai partly allowing the judgement and decree dated 21.08.2008 in O.S.No. 29/2004 on the file of the Sub Court, Sivagangai and remanding the suit and pass such other or further orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MS.AL.KANNAN, Advocate for the petitioner and of



M/S.MARIAROSELINE for R6 and R1 to R7 Not appearance, the court made the following order:-

This Petition is filed to condone the delay of 262 days in filing the restoration application in C.M.A(MD)No.1073 of 2010 which was dismissed for nonpayment of batta in respect of respondents 8 to 12, dated 29.11.2017.

2.Heard the learned counsel appearing for the petitioner.

3.Considering the contention of the learned counsel for the petitioners, the delay of 262 days is condoned on payment of cost of Rs.500/- (Rupees Five Hundred Only) to the Rojavanam, Homeless & Aged care Centre, Melur Road, Uthangudi, Madurai, on or before 24.09.2018, failing which, this petition shall stand dismissed automatically, without further reference to is Court.

4.Post the appeal on 25.09.2018.

sd/-
19/09/2018

/ TRUE COPY /

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

TO

1.THE DISTRICT JUDGE,
SIVAGANGAI.

2.THE SUBORDINATE JUDGE,
SIVAGANGAI.

3.The Rojavanam,
Homeless & Aged care Centre,
Melur Road, Uthangudi,
Madurai.

ORDER
IN
CMP (MD) No.9168 of 2018
IN
CMA (MD) No.1073 of 2010
Date :19/09/2018

RAM/VR MMS/SAR 4/24.09.2018/2P/4C