

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2019

Coram

The Honourable Mr. **Justice V. BHARATHIDASAN**

C.M.P.No.11603 of 1999

in

S.A.Sr.No.27578 of 1997

Rajamani ... Petitioner/ Appellant

Vs.

1. Ramachandran

2. Srinivasan ... Respondents/respondents

This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act, to condone the delay of 460 days in filing the above second appeal.

For Petitioner : Mr. S.Kasirajan

For Respondents : No appearance

ORDER

This application has been filed to condone the delay of 460 days in filing the Second Appeal.

2. Today, when the matter came up for hearing, the learned counsel appearing for the petitioner would submit that the first respondent in this case has died long ago and the notice could not be served on the second respondent herein.

V. BHARATHIDASAN, J.

mrp

3. Considering the fact that since this second appeal has been pending from the year 1997 and the first respondent in this case also died long ago and no steps have been taken to bring the legal heirs of the deceased first respondent on record, and also the appellant is not able to serve notice on the second respondent as on date.

4. Hence, the Civil Miscellaneous Petition is dismissed. No costs. Consequently, S.A.Sr is closed.

13.02.2019

mrp

To

1. The II Additional Subordinate Judge,
Coimbatore.
2. The III Additional District Munsif,
Coimbatore.

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ORDER

This application has been filed to condone the delay of 460 days in filing the Second Appeal.

2. Today, when the matter came up for hearing, the learned counsel appearing for the petitioner would submit that the first respondent in this case has died long ago and the notice could not be served on the second respondent herein.

3. Since this petition has been pending from the year 1999 and the first respondent in this case also died long ago and so far, no steps have been taken to bring the legal heirs of the deceased on record. So far as the second respondent is concerned, the Second Appeal is pending from 1997, and so far, the appellant is not able to serve notice on the second respondent.

4. Considering the facts and circumstances of the case, the Civil Miscellaneous Petition is dismissed. No costs. Consequently, S.A.Sr is closed.

13.02.2019

mrp

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