

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CMP. No.1717 of 2005

and

SA.SR No. 134118 of 2004

1.Assistant Engineer (O & M)
Tamilnadu Electricity Board,
Katadur, Pappireddipatti taluk.

2.Executive Engineer (O & M),
Tamilnadu Electricity Board,
Katadur, Pappireddipatti taluk.

3.Superintending Engineering,
Tamilnadu Electricity Board,
Dharmapuri Town,
Dharmapuri.

.. Petitioners

Vs.

1.Muthulingham
2.Jayalakshmi

.. Respondents

Prayer in M.P: This Petition is filed under Section 5 of Limitation Act to condone the delay of 4312 days in filing this appeal S.A. SR. No.134118 of 2004.

Prayer in SA.Sr: This Appeal has been filed against the judgment and decree dated 30.07.2003 made in A.S.No.7 of 2002 by Sub-Court, Dharmapuri, reversing the judgment and decree dated 15.10.2001 made in O.S.No.132 of 2000 by District Munsif Court, Harur.

V. BHARATHIDASAN, J.

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For petitioners : Mr.V.Vishwanathan
for Mr.R.Karl Max

ORDER

The appeal is pending from the year 2004. Learned counsel for the petitioners/appellants have not filed affidavit of service till date, to prove the service of notice on the respondents. Considering the relief sought for in the suit and the decree has also been executed, I am not inclined to condone the delay in filing the appeal and taken the appeal on file. Hence, nothing remains to adjudicate in this matter. In view of the above, the miscellaneous petition is dismissed. Consequently, the second appeal is rejected at the SR stage itself.

26.03.2019

Index: Yes/No
Speaking Order / Non-speaking order

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