

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2019

Coram

The Honourable Mr.Justice **M.M.SUNDRESH**
and
The Honourable Mr.Justice **C.SARAVANAN**

C.M.P.No.3429 of 2019
in
O.S.A.SR.No.5590 of 2019

1.K.Shivakumar
2.Meena Shivakumar

... Petitioners

Vs.

1.M.V.Krishna Rao
2.Seetharajakumari
3.M.B.V.Sathya Sai Prasad
4.M.Suriyanarayanamurthy
5.M.Bagya Suryalakshmi
6.M.B.L.Raghaventhra Swamy
7.Uma Mageswari
8.Murugesan

... Respondents

Civil Miscellaneous Petition filed under Order XIV Rule 8 of O.S. Rules r/w Section 5 of Limitation Act to condone the delay of 1464 days in filing the appeal against the order passed in A.No.2171 of 2011 in C.S.No.925 of 2010 dated 05.12.2014.

For Petitioners : Mr.S.Sadasharam

ORDER

(Order of the Court was made by **M.M.SUNDRESH,J.**)

Seeking to condone the delay of 1464 days in preferring the appeal against the order in Application No.2171 of 2011 in C.S.No.925 of 2010, the present petition has been filed.

2.In the affidavit filed in support of the petition, no reason has been stated for the delay that has occasioned. Learned counsel for the petitioners seeks to make arguments on merits.

3.We are dealing with the petition which was disposed of in the year 2014, granting relief to the first respondent to make a counter claim while impleading him as a party defendant. Even on merit, we do not find any error in the order passed. The petitioners cannot be deemed to be the persons aggrieved over the order passed and the rights of the petitioners are not determined. Therefore, not only on the ground of delay, which is more huge and unexplained, even on merit, this petition is liable to be dismissed. Accordingly, this petition is dismissed. Consequently, the Original Side Appeal is dismissed at the

S.R. stage. However, taking into consideration the fact that the suit in C.S.No.925 of 2010 is pending for nearly nine years, we request the learned single Judge to dispose of the same preferably within a period of four months.

(M.M.S.J.) (C.S.N.J.)

12.02.2019

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To

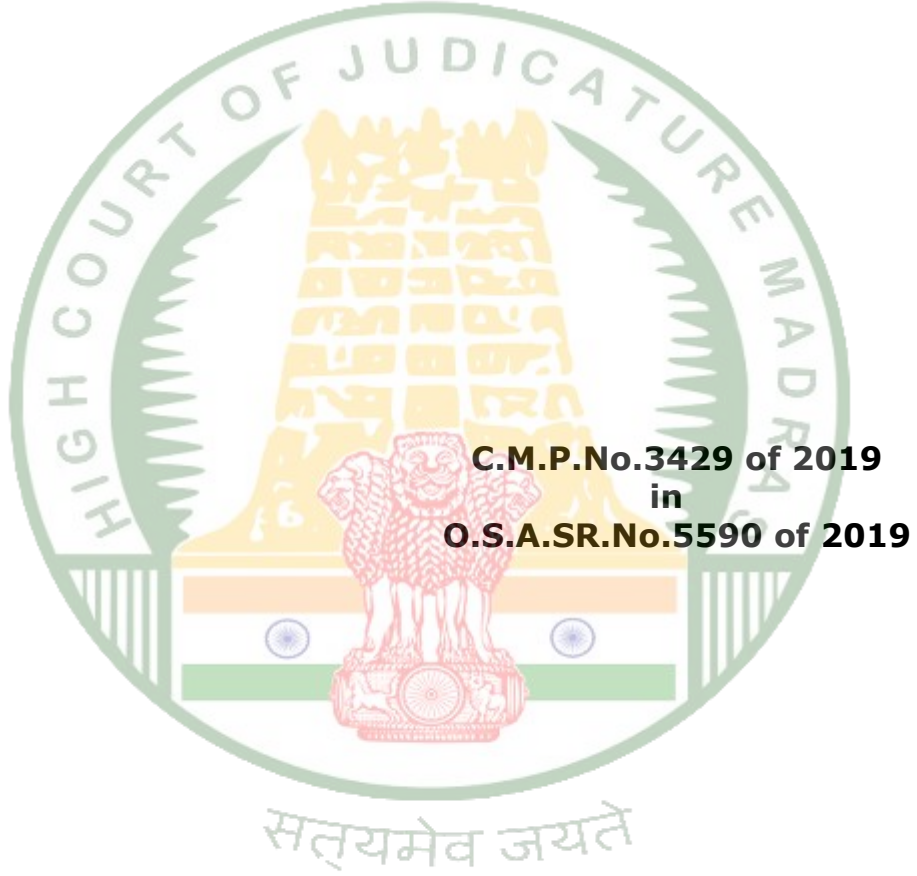
The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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**M.M.SUNDRESH, J.
and
C.SARAVANAN, J.**

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