



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.R.P. (NPD) (MD) No.109 of 2012

WEB COPY

1.Minor Gopinath

2.Minor Rajkumar

(Minor petitioners through their mother
and next friend Vasukiammal) ...

Appellants/Petitioners/
Petitioners

-VS-

1.P.Perumalsami

2.P.N.Krishnasamy

3.L.Seenivasan

4.R.K.Sangamanaicker (died)

5.R.K.Ramasami Naicker

6.R.Ramasami

7.Rathinam

8.Sagunthala

9.Ragavan

10.Saraswathi

...Respondents/Respondents

(Respondents 7 to 10 are brought on record as LR's of the
deceased 4th respondent vide order dated 08.07.2015
made in M.P.Nos.1 to 3 / 2012 in C.R.P.(NPD) (MD) No.109 of 2012)

Prayer: Civil Revision Petition filed under Section 115 of the Code
of Civil Procedure against the order dated 17.03.2011 in I.A.No.462
of 2007 in A.S.No.31/1996 on the file of the District Munsif Court
cum Fast Track Court, Periyakulam.

For Petitioners : Mr.K.Govindarajan

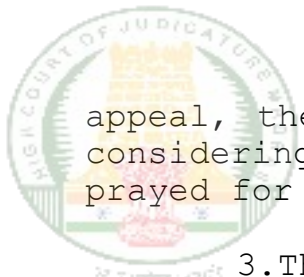
For Respondents : Mr.A.Sivasubramanian
for M/s.Siva Ayyappan Associates
for R1 to R3 & R5 to R10

Respondent No.4 : Died

O R D E R

This Civil Revision Petition has been filed challenging the
order passed in I.A.No.462 of 2007 in A.S.No.31/1996 dismissing the
petition filed under Section 5 of the Limitation Act.

2.The learned counsel for the petitioners submitted that
while considering the application filed under Section 5 of the
Limitation Act to condone the delay of 649 days in restoring the



appeal, the Court below has dismissed the said application without considering the reasons assigned by the petitioners herein and hence prayed for interference of this Court to the order of dismissal.

3.The learned counsel for the respondents submitted that the respondents have no objections for condoning the delay of 649 days in restoring the appeal, however, insisted that the petitioners may be put on terms and requested that the main appeal may be taken up for hearing and decided within a period of three months.

4. Taking note of the said submission made on behalf of the respondents, the order of the lower appellate Court in dismissing the application filed under Section 5 of the Limitation Act is set aside and the delay is condoned on payment of cost of Rs.10,000/- (Rupees ten thousand only) payable to the Siddha Dispensary attached to this Bench within a period of two weeks from the date of receipt of copy of this order. The lower appellate Court is expected to decide the appeal on merits within a period of three months from the date of receipt of a copy of this order. It is made clear that the petitioners herein shall not seek extension of time.

5. The Civil Revision Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

The District Munsif Court cum Fast Track Court, Periyakulam

COPY TO

1. The Medical Officer,
The Siddha Dispensary,
Madurai Bench of Madras High Court, Madurai.

2. The Section Officer,Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-102256

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-102880

C.R.P. (PD) (MD) No.109 of 2012

28.11.2019

gkg (CO)

TR(03.01.2020) 2P 6C