



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Sixteenth day of October Two Thousand and Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) . No.2458 of 2018
in
SA(MD) .No.726 of 2012

Mariappan

... Petitioner/Appellant

Vs

1 R.Nagaraj,

2 L.S.Alagarsamy,

3 N.Vijayalakshmi,

... Respondents/Respondents

Prayer in CMP(MD) . No.2458 of 2018:-

This petition filed under Section 5 of Limitation Act, to praying this Court to condone the delay of 457 days in filing the application to restore the appeal dismissed for default on 7/11/2016 and to pass such other further order or orders as this Hon'ble Court.

Prayer in SA(MD) . 726/ 2012 :-

This appeal is filed under section 100 of C.P.C, against setting aside the judgment and decree dated 03.07.2012 made in A.S.No.15 of 2010 on the file of Subordinate Court, Periakulam confirming the judgment and decree dated 05.08.2010 made in O.S.No.63 of 2008 on the file of District Munsif Court, Periakulam.

ORDER:-

This Petition coming on for compliance on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.G.Shankar Ganesh, Advocate for the Petitioner and of Mr.R.Suriyanarayanan, Advocate for the respondents, this Court made the following order:

This petition has been filed by the petitioner seeking condonation of delay of 457 days in filing a petition to restore the appeal, which was dismissed for default on 07.11.2016.

2.When the matter came up for hearing on 24.09.2019, after hearing both sides, this Court has passed the following order:



".... 3.In view of the above, the learned counsel for the petitioner / appellant is directed to take steps to implead the legal heirs on or before 14.10.2019, failing which this petition shall stand dismissed automatically without any further reference to this Court. In the event, the petitioner took steps to implead the legal heirs within the time stipulated above, post the matter on 15.10.2019".

3.This petition is listed today for compliance. However, it seems that the learned counsel for the petitioner has not complied with the said order. In view of the non-compliance of the order dated 24.09.2019, this petition is dismissed already and no further order is necessary.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

TO

1. THE SUBORDINATE COURT, PERIAKULAM.
2. THE DISTRICT MUNSIF COURT, PERIAKULAM.

+1CC TO MR.R.Suriyanarayanan, Advocate Sr. No. 92196

ORDER DATED : 16/10/2019

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ORDER
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CMP(MD). No.2458 of 2018
in
SA(MD).No. 726 of 2012

Giving direction and etc.
as stated within.

SE(CO)
TR(05.11.2019) 2P 4C