



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Thirtieth day of November Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.GOVINDARAJ

CMP (MD) No.5440 of 2020
IN
A.S. (MD) SR.No.525 of 2017

1 P.KASIRAJAN
2 S.PERUMAL NAICKER

... PETITIONERS/PETITIONERS/
APPELLANTS

Vs

1 KESAVAN
2 K.SELVARAJ
3 K.MUNIAPPAN @ KUTTI
4 K.NAVANEETHAKRISHNAN
5 KULEBA @ VENKATRAMAN

K.DHARMAR @ SUBBIAH (DIED)

6 K.BALAKRISHNAN
7 K.SEENIVASAN @ KASIPERUMAL
8 V.SUBBIAH
9 PAPPA @ KASI TIRUVENGADASUBBULAKSHMI
10 BALA
11 JOTHI
12 C.SELVARAJ
13 C.PAULRAJ
14 S.INDIRA
15 KASIRAJAN
16 S.APPADURAI
17 S.KRISHNALAKSHMI
18 S.VELMURUGAN

S.VENKATRAMAN (DIED)

19 SUBBURAMAN
20 S.MANI
21 S.VIJAYAN
22 SEETHA
23 SEETHALAKSHMI
24 GANESAMOORTHY
25 CHANDRA
26 RAMANI



27 RANI

... RESPONDENTS/RESPONDENTS/RESPONDENTS

(THE RESPONDENTS 1 TO 18 ARE THE CO-PLAINTIFFS
IN THE SUIT & SINCE THE APPELLANTS ARE NOT
SEEKING ANY CLAIM AGAINST THEM THE NOTICE
MAY BE DISPENSED WITH)

Prayer in CMP(MD) No.5440 of 2020:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 356 days in filing the Petition to restore the CMP(MD)No.513 of 2017 in A.S(MD)SR.No.524 of 2017 which was dismissed on 18.09.2019 on the file of this Hon'ble Court.

Prayer in A.S. (MD)SR.No.525 of 2017:

To set aside the Judgment and Decree dated 18.04.2016 passed in O.S.No.47 of 2010 on the file of the 2nd Additional District Court, Thoothukudi.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioners and of MR.T.RONALD, Advocate for the Respondents 1,3 to 7, 11,12, 16 to 18 and MR.T.LAJAPATHI ROY, Advocate for the Respondents 19, 22 to 25, the Court made the following order:-

This Petition has been filed praying to condone the delay of 356 days in filing the petition to restore C.M.P.(MD)No.513 of 2017 in A.S.(MD)SR.No.525 of 2017, which was dismissed on 18.09.2019.

2. Heard the submissions made on either side.

3. Considering the facts and circumstances of the case and also considering the length of delay, this Civil Miscellaneous Petition is allowed on condition that the petitioners shall pay a sum of Rs.2,000/- [Rupees Two Thousand only] towards costs to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without any reference to this Court.

sd/-
30/11/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

THE II ADDITIONAL DISTRICT JUDGE,
THOOTHUKUDI.

COPY TO:

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP (MD) No.5440 of 2020 IN
A.S. (MD) SR.No.525 of 2017
Date :30/11/2020

SML
TE/JC/SAR-IV : 04/12/2020 : 3P/3C