



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

Wednesday, the Fourteenth day of October Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN

C.M.P. (MD) No.6655 of 2019
in
M.P (MD) No.1 of 2015
in
SA (MD) SR.No.10399 of 2013

1.VELLAIYAN CHETTIAR (DIED)

2.V.PETCHIYAMMAL (DIED)

3 V.RAJA

4 V.MUTHULAKSHMI

5 V.JOTHILAKSHMI

6 TAMILSELVI

7 PANDIYAN

8 BABY NALINI

... PETITIONERS/APPELLANTS

Vs

1 A.VEERAMMAL

2 A.SANNASI

3 A.MURUGAN

4 KASTHURI

5 SALATCHI

6 R.RAJALAKSHMI

7 SENTHIL

8 KALIYAPPAN

9 R.MUTHULAKSHMI

10 R.RAJA

11 R.ALAGAR (DIED)

12 R.GANESAN

13 R.GANTHA

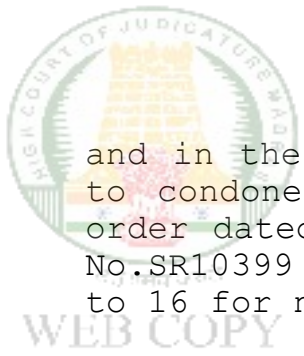
14 P.CHELLATHAI

15 VEERAKUMARI

16 KARTHICK

17 A.SIVAKUMAR

... RESPONDENTS/RESPONDENTS/
RESPONDENTS



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 803 days in filing in Setting aside the order dated 04.04.2017 passed in M.P.(MD). No.1 of 2015 in S.A(MD). No.SR10399 of 2013 dismissing the appeal against the respondent No.1 to 16 for nonpayment of batta.

PRAYER IN MP(MD)No.1 of 2015 in SA(MD)SR.No.10399 of 2013:

Pleaded to condone the delay of 737 days in re-presenting the SA(MD)SR.No.10399 of 2013.

PRAYER IN SA(MD)SR.No.10399 of 2013:

Pleaded to allow the Second Appeal and call for the records relating to the Judgment and Decree passed by the Learned Subordinate Judge, Periyakulam dated 13.10.2012 in A.S.No.13 of 2010 thereby party allowing the appeal suit and in other aspects confirming the Judgment and Decree passed by District Munsif Periyakulam dated 20.07.2010 in O.S.No.63 of 2006 and set aside the same and consequently dismiss the suit.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.DILIPKUMAR, Advocate for the petitioner and of Mr.S.SIVATHILAKAR, Advocate on behalf of the Respondents 1 to 10 and 12 to 17, the Court made the following order:-

This Miscellaneous Petition has been filed to condone the delay of 803 days in filing in setting aside the order dated 18.04.2017 passed in M.P(MD)No.1 of 2015 in S.A(MD)No.SR.10399 of 2013 dismissing the appeal against the respondents 1 to 16 for non-payment of batta.

2. Heard the learned Counsel appearing for the petitioner as well as the respondents Nos.1 to 10 and 12 to 17.

3. A perusal of the records shows that the petition to condone the delay in re-presenting the S.A.(MD)SR.No.10399 of 2013 has been filed in the year 2015 and the same was dismissed on 18.04.2017 for non-payment of batta for the respondents 1 to 16 and thereafter, this application has been filed in the year 2019 only to set aside the order dated 18.04.2017.

4. The learned counsel appearing for the petitioner seeks permission of this Court to withdraw the C.M.P(MD)No.6655 of 2019 and undertakes to send an e-mail in this regard to the Registry of this Court by way of making endorsement.



5. In view of the above facts, this Civil Miscellaneous Petition is dismissed as withdrawn, leaving it open to the petitioner to proceed afresh in the manner known to law.

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sd/-
14/10/2020

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

TO

1. THE SUBORDINATE JUDGE, PERIYAKULAM.

2. THE DISTRICT MUNSIF, PERIYAKULAM.

+1. C.C. to M/S.N.DILIPKUMAR Advocate SR.No.20191

ORDER IN
C.M.P. (MD) No. 6655 of 2019
in
M.P (MD) No. 1 of 2015
in
SA. (MD) SR.No. 10399 of 2013
Date : 14/10/2020

AM

TK/AKM/SAR.4/19.10.2020/3P/4C