



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

Monday, the Thirtieth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN

CMP(MD) No.9181 of 2018

IN

SA(MD) No.SR39470 of 2015

(*) PETCHIMUTHU (DIED)

1 P.MURUGAN

2 SARASWATHI

... PETITIONERS/APPELLANTS

Vs

SAKTHIVEL

... RESPONDENT/RESPONDENT

(*) CAUSE TITLE ACCEPTED VIDE COURT ORDER DATED

12/12/2017 MADE IN CMP(MD) No.11377/2017 IN SA

(MD) No.SR39470/2015 BY SBJ.

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 481 of days in preferring the above Second Appeal.

Prayer in SA(MD) No.SR39470 of 2015:

To set aside the decree and the judgment dated 14.12.2012 rendered in A.S.No.30 of 2012 on the file of the Subordinate Judge, Tuticorin, confirming the decree and the judgment dated 29.11.2011 rendered in O.S.No.79 of 2007 on the file of the Additional District Munsif, Tiruchendur, by allowing this Second Appeal and to grant such other relief or reliefs that this Honourable Court may deem fit and proper in the circumstances of the case.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof, and petitioner not appeared either in person or by an advocate, the court made the following order:

This petition is filed to condone the delay of 481 days in preferring the above second appeal.

2. There is no representation on behalf of the petitioner.

3. It is seen from the records that the court notice sent to <https://hcs.eas.com.in/services/> has been returned with an endorsement 'died'.



However, till date, no steps have been taken to bring on record the legal heirs of the deceased respondent, despite several opportunities have been given to the petitioner.

4. Hence, this Court is not inclined to condone the delay of 481 days in preferring the above second appeal, which is unexplained.

5. Accordingly, this petition is dismissed.

sd/-
30/11/2020

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

TO

- 1 THE SUBORDINATE JUDGE,
TUTICORIN.
- 2 THE ADDITIONAL DISTRICT MUNSIF,
TIRUCHENDUR.

ORDER
IN
CMP (MD) No.9181 of 2018
IN
SA(MD) No.SR39470 of 2015
Date :30/11/2020

VSM
JM/PN/SAR III/03.12.2020/2P/3C