



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.07.2021**

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.P. (MD) No. 2708 of 2020

in

A.S. (MD) SR.No. 9361 of 2020

S.Balaji Karthikeyan

... Petitioner/Appellant

Vs.

1.R.Natarajan Chettiar

K.K.M.Muniyasamy (died)

M.Suresh (died)

2.M.Maheswaran

3.M.Sankar

4.M.Elizabeth Rani

5.Rathika

6.Surega

7.Sakhana

... Respondents

(Cause title accepted vide Court order dated
06.03.2020 made in C.M.P. (MD) No. 2363/2020
in A.S. (MD) SR. 9361/2020)

PRAYER IN C.M.P. (MD) No. 2708/2020: Petition filed under Order 41 Rule 3A of C.P.C., praying to condone the delay of 3942 days in filing the above appeal suit.

PRAYER IN A.S. (MD) SR.No. 9361 of 2020: Appeal suit filed under Section 96 and Order 41 Rule of C.P.C., against the judgment and decree dated 23.01.2009 made in O.S.No.41 of 2007 on the file of Additional District & Sessions Judge, Fast Track Court, Ramanathapuram.

For Petitioner/Appellant

: Mr.P.Muthuvel

for M/s.Isaac Chambers

ORDER

The petitioner in this miscellaneous petition is the appellant in the main appeal. There is a delay of 3942 days in filing the appeal. During the pendency of this miscellaneous petition, it appears that the issues have been resolved. Counsel for the appellant has filed the following memo:

<https://hcservices.ecourts.gov.in/hcservices/>



"It is submitted that the subject suit property is family property of the petitioner. There are five sharers of the petitioner. One of the share holder namely Muniyasamy has executed a unregistered sale agreement with the 1st respondent herein. On the basis of the unregistered sale agreement, the 1st respondent has filed a suit for specific performance in O.S.No.41/2007. He got exparte decree. E.P.No.26/2010 has been filed by the 1st respondent herein. The other co-sharer have filed a claim petition in that E.P.No.26/2010. After filing the above first appeal before this Hon'ble Court challenging the exparte decree the respondent herein filed a memo before the E.P. Court stating that the decree holder has satisfied with regard to the share of 1st respondent in the suit in O.S.No.41 of 2007 (on the file of Fast Track Court, Ramanathapuram) (Late.Muniyasamy). So, the E.P.No.26/2010 may be dismissed as not pressed. It was recorded by the learned Trial Court (Fast Track Court, Ramanathapuram) and dismissed the E.P.No.26/2010 on 04.11.2020.

It is therefore prayed that this Hon'ble Court may be pleased on record this memo and closed the above first appeal and thus render justice"

2. In view of the same, this Civil Miscellaneous Petition is closed. Consequently, A.S.(MD)SR.No.9361 of 2020 is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

To

The Additional District and Sessions Judge,
Fast Track Court, Ramanathapuram.

C.M.P. (MD)No.2708 of 2020
in A.S. (MD)SR.No.9361 of 2020
16.07.2021

NS (CO)

KB (29.07.2021) 2P 2C