



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

Thursday, the Twenty Third day of December Two Thousand and Twenty
One
PRESENT

WEB COPY

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.7023 AND 10686 of 2021

IN

SA(MD)SR.No.41106 of 2021

RAMASAMY NAICKER	... PETITIONER/APELLANT
	IN CMP(MD) No.7023 of 2021
1 RAMASAMY NAICKER(DIED)	... PETITIONER/APELLANT
	IN CMP(MD) No.10686 of 2021
2 GANAPATHY	
3 KASTHURI ALAGU	
4 MUTHULAKSHMI	
5 PERUMAL	... PETITIONERS/PROPOSED APPELLANTS
	IN CMP(MD) No.10686 of 2021
Vs	
1 BASKARAN	
2 MURUGAN	
3 RAMU NAICKER	
4 SATHARAPPAN	
5 PALSAMY	
6 SATHISKUMAR	
7 SURESHKUMAR	... RESPONDENTS/RESPONDENTS
	IN BOTH THE CASES

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 70 days in preferring the Second Appeal.

Prayer in CMP(MD). 10686/ 2021 :

To bring on record the petitioners 2 to 5, in the above petition as appellants 2 to 5, in the above second appeal as legal heirs of deceased sole appellant Ramasamy Naicker.

PRAYER IN SA(MD)SR.No.41106 of 2021:

Pleased to set aside the Judgment and Decree dated 15.10.2019 passed by the Subordinate Court, Mudukulathur made in A.S.No.31 of 2017, confirming the Judgment and Decree dated 24.07.2015 made in O.S.No.67 of 2006 by the District Munsif Court, Mudukulathur and allow the Second Appeal.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.BALASUBRAMANIAN, Advocate for the petitioner in both the cases and of Mr.D.SENTHIL on behalf of the 3rd Respondent in both the cases, the Court made the following order:-



This Petition has been filed seeking to condone the delay of 70 days in preferring the second appeal and to bring on record the petitioners 2 to 5 in the above petition as appellants 2 to 5 in the above second appeal as legal heirs of the deceased sole appellant Ramasamy Naicker.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. In view of the same, these petitions are allowed on condition that the Petitioner pays a sum of Rs.1000/- (Rupees One thousand only) as costs to the Government Higher Secondary School, Y. Othakadai, Madurai, (Current Account No.10968750674, State Bank of India, Tallakulam Branch, IFSC Code No.SBIN0000253) within a period of one week from the date of receipt of a copy of this order, failing which, these petitions shall stand automatically dismissed, without further reference to this Court.

4. Registry is directed to number the appeal, if the papers are otherwise in order and list the matter in the usual course.

sd/-

23/12/2021

/ TRUE COPY /

/ /2021

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

TO

1 THE SUBORDINATE JUDGE,
MUDUKULATHUR

2 THE DISTRICT MUNSIF,
MUDUKULATHUR.

COPY TO:

THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
Y. OTHAKADAI, MADURAI.

ORDER

IN

CMP(MD) No.7023

AND 10686 of 2021

IN

SA(MD) SR.No.41106 of 2021

Date : 23/12/2021