



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Seventeenth day of November Two Thousand and Twenty
One

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) . No.6832 of 2021

in

SA.No.251 of 2003

Vaikunda Andi

... Petitioner/Appellant

Vs

- 1.Poothangam
- 2.Jayanthi
- 3.Sivaraja
- 4.Selvaraja
- 5.Harikrishna Perumal
- 6.Vasanthi
- 7.Gopalaiah

... Respondents/Respondents

Prayer in CMP(MD) .No.6832 of 2021:-

Civil Miscellaneous Petition filed under section 5 of Limitation Act, prayed to condone the delay of 681 days filing the above application and to restore the above second appeal in S.A.No.251 of 2003 which was dismissed for default on 19.08.2019 and pass such further or other orders, as this Hon'ble court may deems fit and proper in the circumstances of the case and thus render justice.

Prayer in SA.No.251 of 2003:-

Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908, against judgment and Decree made in A.S.No.46/2002 dated 25/11/2002 on the file of Additional District Court, Kanyakumari at Nagercoil, confirming the judgment and decree made in O.S.No.52/1993 dated 30/01/2002 on the file of IInd Additional District Munsif Court, Nagercoil.

ORDER: -

This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.P.Senthil, Advocate for the Petitioner, this court made the following order:

The present application has been filed to condone the delay of 681 days in filing the above application and to restore the above Second Appeal in S.A.No.251 of 2003 which was dismissed for default on 19.08.2019.



2. Being satisfied with the reasons stated in the affidavit filed in support of the petition, the delay is condoned and the petition is ordered.

3. The Second Appeal is restored to file, post the appeal for "final hearing" on 30.11.2021.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1.The Additional District Judge,
Kanyakumari at Nagercoil.

2.The II Additional District Munsif,
Nagercoil.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 17/11/2021

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ORDER

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CMP(MD) . No.6832 of 2021

in

SA. No.251 of 2003

**Giving direction and etc.
as stated within.**

RS (26.11.2021) 2P 4C