



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.02.2021
CORAM

THE HONOURABLE MR. JUSTICE R. SUBRAMANIAN

CMP (MD) No.8450 of 2019 in
CROS.OBJ (MD) SR.No.63507 of 2019

WEB COPY

Kumar @ Radhakrishnan

Petitioner/Cross Objector

Vs.

1.Ponnuraman

2.Panchanatha Cholanga Theva Ambalakar. Respondents/Respondents

PRAYER in C.M.P (MD) .No.8450 of 2019: The Civil Miscellaneous Petition has been filed under Section 5 of the limitation Act, to condone the delay of 1615 days in filing the above cross objection in SA(MD) No.49 of 2015, on the file of this Court, praying to set aside the judgment dated 28.10.2014 in AS.No.8 of 2011, on the file of the II Additional District & Sessions Court, Thanjavur, insofar as findings of the Court of first appeal in para -9 of its judgment for issue No.2 that cross objector was not the legitimate son of the second respondent born through Mahamayee Ammal and the finding as to entitlement of the cross objector for a share in the suit properties which were ancestral properties are concerned.

PRAYER in CROSS OBJECTION (MD) .SR.No.63507 of 2019: The Cross Objection has been filed under Order XLI Rule 22 of Civil Procedure Code, to to set aside the judgment dated 28.10.2014 in AS.No.8 of 2011, on the file of the II Additional District & Sessions Court, Thanjavur, insofar as findings of the Court of first appeal in para -9 of its judgment for issue No.2 that cross objector was not the legitimate son of the second respondent born through Mahamayee Ammal and the finding as to entitlement of the cross objector for a share in the suit properties which were ancestral properties are concerned and allow the cross objection.

For Petitioner : Mr.S.Srinivasa Ragavan

For Respondents : Mr.R.Rajaraman

O R D E R

This petition has been filed seeking condonation of delay in filing the cross objection, challenging certain findings recorded by the lower Appellate Court.

2.It is settled law that the findings cannot be challenged, by way of cross objection or an appeal. It will be open to the parties to show that the findings of the Court is erroneous, while supporting the decree of the Court.



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3.Hence, this application is deemed unnecessary and it is dismissed. The cross objection will stand rejected at the S.R stage itself.

Sd/-

Assistant Registrar (CSIII)

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/ /2021

Sub Assistant Registrar (CS)

To

- 1.The II Additional District and Sessions Court,
Thanjavur
- 2.The Additional Sub Court,
Thanjavur
- 3.The Section Officer, (2C)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

CMP (MD) No.8450 of 2019 in
CROS.OBJ (MD) SR.No.63507 of 2019
Dated 18.02.2021

KM(CO)
KB(10.06.2021) 2P 5C