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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.M.P.No.3643 of 2020
in C.R.P.SR.No.97838 of 2019

1. B.Manorama
2. K.Udayakumar

...Petitioners

Versus

Palani (died)

1. P.Dhanalakshmi
2. P.Shanthakumari
3. Kasthuri
4. P.Ravikumar
5. V.P.Senthilkumar
- T.L.VenkatachalaMudaliar (died)
- V.Krishnan (died)
6. Savithri
- Kamalammal (died)
- Balammal (died)
7. Kanthamani
- K.Saroja @ AmmaniAmmal (died)
8. R.Kanchana
9. Chitralekha
10. S.Pramila



11. A.Ranganathan

12. S.Lalitha

Prabakaran (died)

13. Nirmala

14. Babu @ Mythili

15. Sudha

16. Iswarya

17. Dhivya

... Respondents

PRAYER: Civil Miscellaneous Petition filed under Section 5 Limitation Act, pleaded to condone the delay of 51 days in filing the above C.R.P.SR.No.97838 of 2019.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.A.Muthukumar (for R1, R5 & R6)
: Mr.P.B.Ramanujam (for R3)

O R D E R

The petitioner herein filed the petition challenging the order of dismissal passed by the Court below under Order 21 Rule 90 and Section 151 of CPC r/w Section 7 of the Partition Act to set aside the sale.

2. In view of Order 43, Rule 1(j) of Civil Procedure Code, the order impugned in this revision is an appealable order.



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3. The learned counsel for the petitioner made an endorsement seeking leave of the Court to withdraw the petition with liberty to file a regular appeal challenging the order impugned in this revision. In view of the above, leave is granted and the Civil Miscellaneous Petition is dismissed with liberty to the petitioner to file an appeal challenging the order impugned in this revision.

4. It is always open to the petitioner to seek exclusion of time spent by him before this Court in prosecuting the matter by filing appropriate application under Section 14 of Limitation Act.

5. With the above liberty, the Civil Miscellaneous Petition stands dismissed. No costs.

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Index: Yes/ No

Speaking Order / Non-Speaking Order



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S.SOUNTHAR, J.

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