



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

C O R A M:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.P.No.14362 of 2019
in C.M.P.Sr.No.33446 of 2017
in C.R.P.N.P.D.No.1828 of 2013

1.G.Kabali
2.G.Marimuthu
3.G.Kanniappan
4.Angammal

... Petitioners/Petitioners

Vs.

1.Vinayagam
2.G.Ramesh

... Respondents/Respondents

PRAYER in C.M.P.No.14362 of 2019: Civil Miscellaneous Petition filed under Order IV Rule 9(4) A.S.Rules praying to condone the delay of 780 days in re-presenting the C.M.P.Sr.No.33446 of 2017.

PRAYER in C.M.P.Sr.No.33446 of 2017: Civil Miscellaneous Petition (Sr.) filed under Order IX Rule 9 C.P.C praying to set aside the order of dismissal of the Civil Revision Petition for non-prosecution in C.R.P.No.1828 of 2013 dated 28.03.2017 and restore the same for hearing the matter afresh.

Prayer in CRP No.1828 of 2013:

Civil Revision Petition filed U/s 115 of CPC against the Order and decretal order dated 31.01.2012 made in I.A No.33 of 2012 in Un.A.S.S.R No.1465 of 2012 on the file of the Principal District Judge, Tiruvallur.

O R D E R

Civil Miscellaneous Petition has been filed to condone the delay of 780 days in re-presenting the C.M.P.Sr.No.33446 of 2017 in C.R.P.N.P.D.No.1828 of 2013.



2. The first respondent herein had filed a petition in I.A.No.33 of 2012 in Un.A.S.S.R.No.1465 of 2012 to condone the delay of 2777 days in filing the above Appeal and the learned Judge has allowed the petition vide order dated 31.01.2013. Aggrieved by the order of the learned Judge, the revision petitioners had filed the Civil Revision Petition in C.R.P(NPD).No.1828 of 2013 to set aside the order dated 31.01.2013 passed by the learned Principal District Judge, Tiruvallur in I.A.No.33 of 2012 in Un.A.S.S.R.No.1465 of 2012, which was dismissed for non prosecution vide order dated 28.03.2017. Thereafter, the petitioners have filed a C.M.P.Sr.No.33446 of 2017 to restore the said C.R.P.N.P.D.No.1828 of 2013 with the present petition in C.M.P.Sr.No.33446 of 2017 to condone the delay of 780 days in re-presenting the restoration petition.

3. This Court vide order dated 14.03.2022 directed notice to the respondents returnable by 28.03.2022 along with permission for private notice.

4.Today (28.03.2022), when the matter is taken up for hearing, neither the petitioners appeared in person nor had engaged any counsel to appear on their behalf. It can now be inferred that the petitioners are not interested to prosecute this Civil Miscellaneous Petition. Accordingly, this Civil Miscellaneous Petition is dismissed for non-prosecution. Consequently, C.M.P.Sr.No.33446 of 2017 stands dismissed at SR stage itself.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

msv

To

The Principal District Judge,
Tiruvallur.



Copy to

1. The Section Officer,
Judicial Department,
High Court, Madras.
2. The Section officer,
AE Main Section, High Court,
Madras.

C.M.P.No.14362 of 2019
in
C.M.P.Sr.No.33446 of 2017
in
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