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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Twenty First day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

AS(MD) No.638 of 2011

1.Sakthivel

Through his power agent Muthuveeran

2.Koothayee

3.Visalatchi

4.Vasuki

5.Minor Ranjitha

(The minor 5th appellant is represented through
her guardian and mother 4th appellant Vasuki)

... Appellants/plaintiffs

vs.

1.Samivel Thevar (died)

2.Rajendran

3.Muruganandam

4.Dhanapal

5.Desingu

6.Masilamani

7.Reguna

8.Kalandharmohideen

... Respondents/Defendants

(Memo dated 15.06.2022 (filed on 20.06.2022) in USR No.15754 is recorded, as R1 died and the respondents 2 to 7, who are already on record, are recorded as LR's of the deceased R1 vide Court order dated 23.06.2022 made in CMP(MD) No.2879/20 in AS(MD) No.638 of 2011)



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PRAYER: Appeal Suit filed under Section 96 of Civil Procedure Code, to set aside the judgment and decree dated 20.04.2011 passed in O.S.No.44 of 2004 on the file of the Principal District Court, Pudukottai by allowing this first appeal.

ORDER : This Appeal Suit coming on for orders on this day and upon perusing the petition and the affidavit filed in support and letter in D.No.3730/2023/os, dated 04.08.2023 received from the Principal District Judge, Pudukkottai, the court made the following order:-

This matter is listed today under the caption for 'extension of time'.

2. It is evident from the records that this Court vide judgment, dated 25.08.2022, directed the trial Court to decide the suit afresh on merits and such exercise shall be completed within a period of six months from the date of receipt of copy of that judgment. The learned Principal District Judge, Pudukkottai, has submitted a requisition, dated 04.08.2023, stating that since the plaintiff was not ready to prosecute the case, the case was ordered to be dismissed for default on 03.01.2023. Subsequently, the suit was restored and that the case stands posted to 08.08.2023 for plaintiff side evidence and seeks six months further time for disposal of the case.

<https://www.mhc.tn.gov.in/judis>



3. Considering reasons assigned, this Court is inclined to grant four months further time. Accordingly, the trial Court is directed to comply with the direction of this Court vide judgment dated 25.08.2022, within a period of four months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

TO

THE PRINCIPAL DISTRICT JUDGE,
PUDUKOTTAI.

COPY TO:

THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER DATED : 21/08/2023

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ORDER

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AS(MD). No.638 of 2011

Giving direction and etc.
as stated within.

MK/29.08.2023 4P 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023