



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Twenty Fourth day of June Two Thousand
and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD)No.929 of 2021
in
AS(MD)No.198 of 2006

The Defence Estates Officer,
Madras Circle, 306, Anna Salai,
Teynampet, Chennai-18.

... Petitioner/Appellant

Vs

1.Manickam

2.The Special Tahsildar (L.A),
Unit III Air Force Station,
Thanjavur.

... Respondents/Respondents

Prayer in CMP(MD)No.929 of 2021 :- Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 709 days in filing the restoration petition in A.S.No.198 of 2006 dismissed for non prosecution on 24.01.2019 as far as 2nd respondent is concerned and thereby render justice.

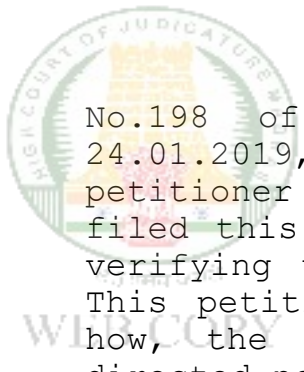
Prayer in AS(MD)No.198 of 2006:- Appeal Suit filed under Section 54 of the Land Acquisition Act against the Judgment and Decree of the learned Additional Subordinate Judge and Fast Track Court No.I, Thanjavur in LAOP.No.404 of 1997 dated 25.04.2005.

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.K.R.Laxman, Advocate for the Petitioner and of Mr.P.Subramaniam, Advocate for the 1st Respondent, this Court made the following order:-

The Appeal Suit was already dismissed on 24.01.2019. The said dismissal order was set aside and the appeal also restored on file, by order dated 12.02.2021. Subsequently, on the same day, the main appeal was disposed of as infructuous.

2.Now, the present Civil Miscellaneous Petition is filed to condone the delay in filing the restoration petition in A.S(MD)

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



No.198 of 2006, which was dismissed for non-prosecution on 24.01.2019, which clearly shows that the learned counsel for the petitioner has not followed the case properly and he has simply filed this frivolous application and the Registry has also without verifying the date of the dismissal, taken this petition on file. This petition is pending from 2021 without any purpose. This is how, the Registry is functioning. Therefore, the Registry is directed not to adopt these type of frivolous procedures.

3. Accordingly, this Civil Miscellaneous Petition stands dismissed as unnecessary.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

TO
The Additional Subordinate Judge,
Fast Track Court No.I, Thanjavur.

Copy to:

1. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.
2. The Sub Assistant Registrar, (AE),
Madurai Bench of Madras High Court, Madurai
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 24/06/2022

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ORDER

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CMP(MD) No.929 of 2021

in

AS(MD) No.198 of 2006

Giving direction and etc.
as stated within.