



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Twenty First day of January Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice R. VIJAYAKUMAR

CMP(MD) . No.5966 of 2021

IN

SA.No.1248 of 2002

Pandivel ... Petitioner/3rd party

Vs

Khaja Mohaideen ... Respondent/Decree holder

Prayer in CMP(MD) . No.5966 of 2021:-

Petition filed under Section 5 of Limitation Act, CONDONE the delay of 3562 days in filing the application for restoration of the S.A. No.1248 of 2002 on the file of this Honourable Court and thus render justice.

Prayer in SA.No.1248 of 2002:-

Second Appeal filed under Section 100 of CPC ,against the Judgement and Decree dated 17th October, 2001 and made in A.S.No.66/2000 on the file of the Principal District Court, Pudukkottai setting aside the Judgement and Decree dated 14.9.1999 and made in E.A.No.3 of 1997 in E.P.No.138 of 1994 in O.s.No.21 of 1994 on the file of the sub-court, Pudukkottai

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and none appeared either in person or by an Advocate,for the Petitioner this Court made the following order:

The present application has been filed to condone the delay of 3562 days in filing the application for restoration of the S.A.(MD)No.1248 of 2002, that was dismissed for default on 27.06.2011. The C.M.P(MD)No.5966 of 2021 was listed on 17.12.2021.

2. The learned Counsel for the respondent submitted that the sole respondent had passed away and the petitioner took time to ~~introduce~~ legal heirs and it was adjourned to 03.01.2022.



Thereafter on 19.01.2022, there was no representation on the side of the petitioner. Hence, the Civil Miscellaneous Petition is listed "For Dismissal" today. Even today, there is no representation on the side of the petitioner. Hence, C.M.P(MD)No.5966 of 2021 stands dismissed for default.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2022

Sub Assistant Registrar(CS)

TO

1. The Principal District Judge,
Pudukkottai
2. The Sub-Judge,
Pudukkottai

ORDER DATED : 21/01/2022

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ORDER

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CMP(MD). No.5966 of 2021

IN

SA.No.1248 of 2002

Giving direction and etc.
as stated within.

RD(08.02.2022) 2P 3C