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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fifth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr. Justice B. PUGALENDHI

CMP ((MD) Nos. 8066 and 8067 of 2022
in

SA (MD) SR. Nos. 9062 and 9063 of 2020

JOTHIMANI

... PETITIONER/APELLANT
IN BOTH PETITIONS

Vs

PERIYAN (DIED)

1. NALLAMMAL
2. RAMESH
3. SUDHAKAR
4. PRABHU

... RESPONDENTS/RESPONDENTS
IN BOTH PETITIONS

PRAYER IN CMP ((MD) No. 8066 of 2022 IN SA (MD) SR. No. 9062 of 2020 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 421 days in filing the above in second appeal.

PRAYER IN SA (MD) SR. No. 9062 of 2020 :

Pleased to allow this Second Appeal and set aside the Judgment and Decree passed by the Additional Subordinate Judge, Dindigul in A.S.No.184 of 2005 dated 18.04.2012 in reversing the Judgment and Decree of Additional District Munsif, Dindigul in O.S.No.1618 of 2004 dated 28.02.2005 in decreeing the suit.

PRAYER IN CMP ((MD) No. 8067 of 2022 IN SA (MD) SR. No. 9063 of 2020 :

To condone the delay of 421 days in filing the above in second appeal.

PRAYER IN SA (MD) SR. No. 9063 of 2020 :

Pleased to allow this Second Appeal and set aside the Judgment and Decree passed by the Additional Subordinate Judge, Dindigul in A.S.No.252 of 2005 dated 18.04.2012 in modifying the Judgment and Decree of Additional District Munsif, Dindigul in O.S.No.1618 of 2004 dated 28.02.2005 in decreeing the suit.

ORDER : Thess petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.SARVAGAN PRABHU, Advocate



for the petitioner in both petitions and of M/S.N.JULIE A, Advocate on behalf of the Respondents in both petitions, the court made the following order:-

These matters are listed today under the caption "For clarification".

2. The learned counsel appearing for the petitioner has raised a doubt with regard to the cost of Rs.5,000/-, imposed by this Court, while allowing CMP(MD)Nos.8066 and 8067 of 2022 filed to condone the delay of 421 days in filing the Second Appeals.

3. It is made clear that separate orders have been passed in both Civil Miscellaneous Petitions and the petitioner has to pay the cost of Rs.5000/- each in both the Civil Miscellaneous Petitions.

4. At this juncture, the learned counsel appearing for the petitioner submits that the petitioner has paid the cost of Rs.5000/- in C.M.P.(MD)No.8066 of 2022. In C.M.P.(MD)No.8067 of 2022, the cost amount is to be paid. Therefore, he seeks for extension of time.

5. Considering the request made by the learned counsel for the petitioner, time to pay the cost of Rs.5000/- in CMP(MD)No.8067 of 2022 is extended by 10 days from the date of receipt of a copy of this order.

sd/-
05/01/2023

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/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE ADDITIONAL SUBORDINATE JUDGE, DINDIGUL.

2. THE ADDITIONAL DISTRICT MUNSIF, DINDIGUL.

+1. C.C. to M/S S.SARVAGAN PRABHU Advocate SR.No.218

ORDER IN
CMP ((MD) Nos.8066 and 8067 of 2022
in
SA(MD) SR.Nos.9062 and 9063 of 2020
Date :05/01/2023

RK/BUC/SAR- (24/01/2023) 2P/4C

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