



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Third day of August Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP(MD) No.5707 of 2022

IN

SA(MD) No.161 of 2010

BHARATHAN @ BHARATHARAMAN (DIED)

... SOLE APPELLANT IN S.A

- 1.RAMAYI
- 2 GANESAN
- 3 LAKSHMI
- 4 SARASU
- 5 KANTHAN
- 6 MUTHUKUMAR
- 7 MANI

... PETITIONERS / PROPOSED APPELLANTS NO.2 TO 8

Vs

MUTHAIAH

... RESPONDENT / RESPONDENT

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 3268 days in filing the said Restoration Petition.

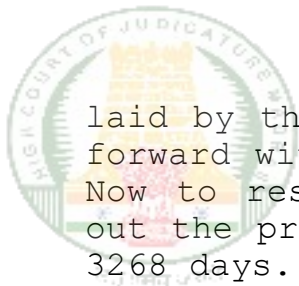
PRAYER IN SA(MD) No.161 of 2010:

To allow this Appeal by setting aside the Judgment and Decree passed by Subordinate Judge, Ramanathapuram in A.S.No.6/2008 dated 14.11.2009 in so far as granting of Decree for declaration of title is concerned and confirm the Judgment and Decree passed by the District Munsif Court, Ramanathapuram passed in O.S.No.266/1998 dated 31.07.2007.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.KUMARAVEL, Advocate for the petitioners and of MR.K.MAHENDRAN, Advocate on behalf of the Respondents the court made the following order:-

From a single suit a single First Appeal emanated, which has now resulted in 2 Second Appeals. One of the Second Appeals is

<https://www.mca.gov.in/judis>



laid by the plaintiff. The sole defendant in the suit has been forward with S.A(MD)No.161 of 2010. That was dismissed for default. Now to restore the said appeal, the appellant/defendant had taken out the present C.M.P(MD)No.5707 of 2022 for condoning the delay of 3268 days.

WEB COPY

2. Heard the learned counsel for the respondent. Since the connected appeal is still pending this appeal is restored. But for the inconvenience caused to the Court, this Court deems it appropriate to allow it with a cost of Rs.10,000/- (Rupees Ten Thousand only), out of which, Rs.5,000/- (Rupees Five Thousand only) is directed to be paid to the respondent and the balance Rs.5,000/- (Rupees Five Thousand only) is directed to be paid to the Siddha Clinic attached to this Bench. This is required to be complied with on or before 23.08.2022.

3. List the appeal on 24.08.2022 under the caption 'for final hearing'

sd/-

03/08/2022

/ TRUE COPY /

04/08/2022

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

TO

1 THE DISTRICT MUNSIF,
RAMANATHAPURAM.

2 THE SUBORDINATE JUDGE,
RAMANATHAPURAM.

COPY TO:

THE OFFICER INCHARGE,
SIDDHA HOSPITAL,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CMP(MD) No.5707 of 2022

IN

SA(MD) No.161 of 2010

Date :03/08/2022

CM

MK/PN/SAR.IV/04.08.2022/2P/4C