



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

Thursday, the Seventh day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P(MD)No.5687 of 2022
in
A.S.No.122 of 2004

1 STATE OF TAMILNADU
DISTRICT COLLECTOR, KANYAKUMARI.

2 DISTRICT FOREST OFFICER
KANYAKUMARI DISTRICT.

... PETITIONERS/APPELLANTS

Vs

1 V.VASUDEVAN NAMBOOTHIRI,

2 GOVINDAN NAMBOOTHIRI (DIED)

3 VASUDEVAN NAMBOOTHIRI @ NARAYAN,

4 ASOK NAMBOOTHIRI

5 AJYAN,

6 NARAYANAN NAMBOOTHIRI

7 KRISHNAN NAMBOOTHIRI

8 KANCHANA, ... RESPONDENTS/RESPONDENTS
(R8 IS BRING ON RECORD AS LRS OF THE
DECEASED R2 VIDE COURT ORDER DATED
07.06.2022 MADE IN CMP(MD)Nos.12059 to
12061 and 4458/21 in A.S.No.122/2004)

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the non-appearance of the 1st petitioner on 24/06/2022 granted by this Honourable Court in A.S.No.122 of 2004 and consequently may be pleased to drop all further proceedings as against the 1st petitioner considering the aforementioned facts and circumstances.

PRAYER IN AS(MD)No. 122 of 2004:

Prefers this First Appeal against the Judgment and Decree dated 06/12/1991 made in O.S.No. 64/1986 on the file of the Subordinate Judge, Padmanabhapuram.



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.VEERAKATHIRAVAN, Additional Advocate General for the petitioner, the court made the following order:-

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This petition has been filed to condone the non-appearance of the 1st petitioner on 24.06.2022 granted by this Court in A.S.No.122 of 2004 and consequently to drop all further proceedings as against the 1st petitioner considering the aforementioned facts and circumstances.

2. When the matter came up for hearing on 17.06.2022 this Court directed the District Collector, Kanyakumari District and District Forest Officer, Kanyakumari District to appear before this Court on 24.06.2022. Further, when the matter came up for hearing on 24.06.2022, the District Forest officer, Kanyakumari District is present before this Court. Despite the direction was given by this Court, the District Collector, Kanyakumari District has not appeared before this Court and instead of that he sent his Personal Assistant.

3. Today (07.07.2022) when the matter was taken up for hearing the Secretary to Government, Public and Rehabilitation Department, Secretariat, Chennai has filed an action taken report on behalf of the Chief Secretary to the Government of Tamil Nadu. Today, the first appellant/District Collector, Kanyakumari District present before this Court and has also filed an affidavit and expressing his inadvertent circumstances and also he seeks unconditional apology and he also understood the situation. He undertakes that he should not repeat the same in future. Therefore, considering his appearance before this Court and also the affidavit filed by him personally, this C.M.P(MD)No.5687 of 2022 is allowed and his appearance in future hearings is dispensed with and the Chief Secretary to the Government is directed to drop all further proceedings as against the first appellant/District Collector, Kanyakumari District.

4. Today Mr.Veera Kathiravan, learned Additional Advocate General appeared in this matter and stated that he was engaged in this case. The appearance of both appellants is dispensed with.

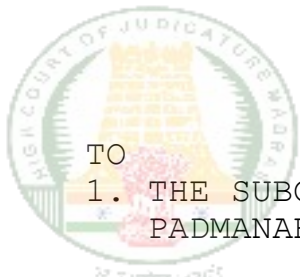
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07/07/2022

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/07/2022

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



TO

1. THE SUBORDINATE JUDGE,
PADMANABHAPURAM.
2. THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT.
3. THE DISTRICT FOREST OFFICER,
KANYAKUMARI DISTRICT.
4. THE CHIEF SECRETARY,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI.

COPY TO

1. THE SUB ASSISTANT REGISTRAR(AE)
AE SECTION
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
2. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

C.M.P (MD) No.5687 of 2022

in

A.S.No.122 of 2004

Date :07/07/2022

am

PKP/PN/SAR-2/11.07.2022/3P/7C