



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

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

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP (MD) No.6119 of 2022
IN
AS (MD) No.297 of 2008

MATHIVANAN

... PETITIONER/APELLANT

Vs

1 DEIVANAI (DIED)

2 RETHINATHAMMAL (DIED)

3 CHINNAYAN

4 SIVABAGYAM (DIED)

5 SARAVANAN (DIED)

6 RAJAMMAL (DIED)

7 THAMBUCHAMI (DIED)

8 SAMIKANNU

... RESPONDENTS/RESPONDENTS

9 R.MEENAKSHI

... 9th RESPONDENT/LRs.OF 2nd RESPONDENT

10 S.PERIYATHANGACHI

11 S.BALASUBRAMANIAN

12 S.KESAVAN

13 S.GUNASEKARAN

14 PALANIAMMAL

... 10 TO 14 RESPONDENTS/
Lrs.OF 5th RESPONDENT

15 V.KANNAN

... 14th RESPONDENT/LRs.OF 6th RESPONDENT

16 VEDHAVALLI

17 T.NATARAJAN



18 T.GOPAL

19 P.SELVARANI

... 16 TO 19 RESPONDENTS/
Lrs.OF 7th RESPONDENT.

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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 864 days in filing the petition to set aside the dismissal order dated 21.02.2020 made in A.S.(MD) No. 297 of 2008 , dismissing the appeal suit against the 4th respondent in the above first appeal in A.S. (MD). No. 297 of 2008.

PRAYER IN AS (MD) .297/2008:

To prefer this Memorandum of Regular Appeal against the judgment and decree of the Learned Sub Judge, Pattukottai dated 14/02/1991 and made in O.S.No.55/1987.

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 M/S.P.THIYAGARAJAN, Advocate for the petitioner, the court made the following order:-

This petition has been filed to condone the delay of 864 days in filing the petition to set aside the dismissal order against the fourth respondent in A.S(MD).No.297 of 2008 dated 21.02.2022.

2. Though private notice served and the name of the respondents also printed in the cause list, none appeared for them.

3.The reasons stated in the accompanying affidavit is not satisfied, in order to give an opportunity to the parties to resolve their dispute, this Court is inclined to allow this Civil Miscellaneous Petition. Accordingly, the same is allowed, on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of C.M.P.(MD)No.6119 of 2022 before the Registry, within a period of 10 days, failing which, this petition shall stand dismissed for default, automatically without further reference to this Court.

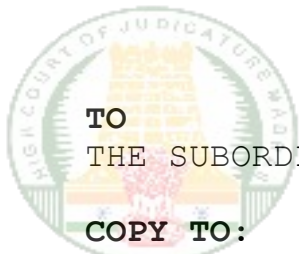
sd/-

10/08/2022

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/08/2022

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



TO
THE SUBORDINATE JUDGE, PATTUKKOTTAI.

COPY TO:

- 1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SUB ASSISTANT REGISTRAR,
A.E.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CMP (MD) No.6119 of 2022

IN

AS (MD) No.297 of 2008

Date :10/08/2022

(4/5)

tta

SA/JM/SAR.2/12.08.2022/3P/6C