



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Twenty Sixth day of August Two Thousand
and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP(MD)No.6268 of 2022

in

CMP(MD)No.5966 of 2021

in

SA.No.1248 of 2022

Pandivel

... Petitioner/Petitioner/Appellant

Vs

Khaja Mohaideen (Died)

1.Nazeema Banu

2.Nasrin Banu

3.Dilsath Begum

4.Farzana Begam

5.Ramzan

... Legal heirs of Sole Respondent

Prayer in CMP(MD)No.6268 of 2022 :- Civil Miscellaneous Petition filed under Section 5 of Limitation Act to condone the delay of 144 days in filling petition to set-aside the dismissal order dated 21.01.2022 passed in C.M.P.No.5966 of 2021 in S.A.No.1248 of 2022 and thus render justice.

Prayer in CMP(MD)No.5966 of 2021:- Civil Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 3562 days in filing the application for restoration of the S.A.No.1248 of 2022 on the file of this Hon'ble Court and thus render justice.

Prayer in SA.No.1248 of 2002:- Second Appeal filed under Section 100 of C.P.C., against the Judgment and Decree dated 17.10.2001 passed in Appeal Suit No.66 of 2000 by the Principal District Court, Pudukottai setting aside the Judgment and Decree dated 14.09.1999 passed in E.A.No.3 of 1997 in E.P.No.138 of 1994 in Original Suit No.21 of 1994 by the Subordinate Court, Pudukottai.

ORDER:- This Civil Miscellaneous Petition coming on for orders on
<https://www.mhc.tn.gov.in/judis>



this day and upon perusing the petition and the affidavit in support thereof and upon hearing the arguments of Mr.T.Selvan, Advocate for the Petitioner and of Mr.N.Balakrishnan, Advocate for the Respondents, this Court made the following order:-

Petition is filed to condone the delay of 144 days in filing the petition to set aside the dismissal order dated 21.01.2022 passed in C.M.P.(MD) No.5966 of 2021 in S.A.No.1248 of 2002.

2. Heard Mr.T.Selvan, learned counsel for the petitioner and Mr.N.Balakrishnan, learned counsel for the respondents.

3. This Court is satisfied with the reasons set out in the affidavit filed in support of this petition. Accordingly, this civil miscellaneous petition is ordered and the order dated 21.01.2022 passed in C.M.P.(MD) No.5966 of 2021 is set aside. Registry to list C.M.P.(MD) No.5966 of 2021 for hearing.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

TO:

1.The Principal District Judge, Pudukottai.

2.The Subordinate Judge, Pudukottai.

Copy to:-

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 26/08/2022

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ORDER

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CMP (MD) No.6268 of 2022

in

CMP (MD) No.5966 of 2021

in

SA.No.1248 of 2002

Giving direction and etc.
as stated within.

RD(02/09/2022) 2P 4C

<https://www.mhc.tn.gov.in/judis>