



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.6868 of 2022
in
A.S(MD)No.SR 44645 of 2022

1. LINGAMMAL
2. KANNAN

... PETITIONERS/APELLANTS

Vs

R.VELLAISAMY (DIED)

1. VIJAYA
2. KAMARAJ
3. AMUTHA
4. SAKUNTHALA
5. UMA MAHESWARI
6. RAMACHADRAN
7. MARAMMAL
8. BALASUBRAMANIAN

SUBBULAKSHMI (DIED)

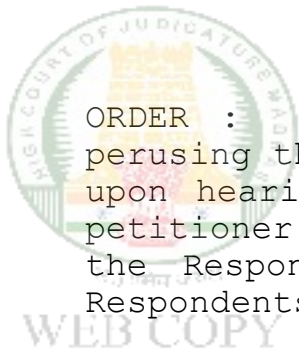
9. YASOTHA
10. INDIRANI
11. GANDHI

... RESPONDENTS/RESPONDENTS

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 72 days in filing the above Appeal Suit against the Fair and decreetal order passed O.S.No.127 of 2010 on the file of the Learned III Additional District Judge, Trichy dated 10-01-2022.

PRAYER IN A.S(MD)No.SR 44645 of 2022 :

Pleased to set aside the judgment and decree dated 10.01.2022 passed in O.S.No.127 of 2010 on the file of the Learned III Additional District Judge, Trichy, in so far as the findings and decree against the present appellant.



ORDER : This petition coming up for orders on this case on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S T.LENIN KUMAR, Advocate for the petitioner and of MR.D.SRINIVASA RAGHAVAN, Advocate on behalf of the Respondents No.8 to 11 and MR.K.PRABHAKAR, Advocate for the Respondents No.1 to 3, the court made the following order:-

The Civil Miscellaneous Petition has been filed seeking orders to condone the delay of 72 days in filing the above Appeal Suit against the fair and decreetal order passed in O.S.No.127 of 2010 on the file of the learned III Additional District Judge, Trichy, dated 10.01.2022.

2. Learned counsel for the petitioner has filed a memo stating that the first petitioner died on 03.10.2022 and the only legal heir of the deceased first appellant is already on record. Memo is recorded.

3. The learned counsels for R1 to R3 and R8 to R11 have not raised any serious objections to allow this petition. Despite receipt of Court notice, other respondents have not turned up.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition, the delay of 72 days in filing the Appeal Suit, is condoned and accordingly, this petition is allowed.

sd/-
27/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE III ADDITIONAL DISTRICT JUDGE,
TRICHY.

ORDER
IN
CMP(MD) No.6868 of 2022 in
A.S(MD)No.SR 44645 of 2022
Date :27/10/2022

das
USK/VR/SAR- /31.10.2022/2P/2C