



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

Monday, the Fourth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.1609 of 2018

IN

AS No.406 of 1997

VALLIAMMAL

... PETITIONER/APELLANT

Vs

THANAMMAL (DIED)

... FIRST RESPONDENT IN APPEAL

1 GANESAN

... FIRST RESPONDENT

2 S.GOVINDA RAMAN

3 S.PERUMAL PILLAI

... RESPONDENTS/PROPOSED PARTIES

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 25 days in filing the restoration petition.

Prayer in AS No.406 of 1997 :

To set aside the decree and judgment of the learned Subordinate Judge, Nagercoil, dated 23.02.1995 and made in O.S.No.141 of 1989 and allow the first appeal.

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.T.R.JEYAPALAM, Advocate for the petitioner, the court made the following order:-

This petition is filed to condone the delay of 25 days in filing the restoration petition.

2.This petition is pending from the year 2018. For the past 4 years, even service of notice has not been effected for the proposed respondents 2 and 3. This Court, out of much pain, traced out the old bundle and directed the petitioner to take private notice to the unserved respondents and file affidavit of service on or before 01.07.2022. Despite the directions given by this Court, the petitioner has not filed affidavit of service. Therefore, this Civil Miscellaneous Petition is dismissed for default.

sd/-

04/07/2022

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/07/2022

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



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CMP(MD)



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TO
THE SUBORDINATE JUDGE, NAGERCOIL

ORDER
IN
CMP (MD) No.1609 of 2018
IN
AS No.406 of 1997
Date :04/07/2022

RS/VR/SAR.1 (18.07.2022) 2P-2C