



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Sixteenth day of November Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD)NO.8932 of 2022

in

AS(MD)No.165 of 2014

Nachammal

... Petitioner/Appellant

Vs

1.S.P.O.Muthaiah

2.Dr.Latha Ganesan

... Respondents/Respondents

Prayer in CMP(MD)No.8932 of 2022 :- This Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone delay of 324 days in filing the petition seeking to restore the A.S (MD)No.165 of 2014 which was dismissed for non prosecution on 17.10.2019.

Prayer in AS(MD)No.165 of 2014:- Appeal Suit filed under Section 96 of the Code of Civil Procedure, 1908 against the Judgment and Decree dated 13.08.2013 passed in Original Suit No.85 of 2005 by the learned V Additional District Judge, Madurai.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.Saravanan, Advocate for the Petitioner and of Mr.J.Gunaseelan Muthiah, Advocate for the 2nd respondent, this Court made the following order:-

"The above Civil Miscellaneous Petition has been filed seeking orders to condone the delay of 324 days in filing the petition to restore the appeal in A.S(MD)No.165 of 2014, which was ordered to be dismissed for non-prosecution on 17.10.2019.

2.The learned counsel appearing for the petitioner would submit that he is appointed as Legal Aid Counsel for the petitioner and earlier Mr.Dilip Kumar was appointed as Legal Aid Counsel for the petitioner.

3.The learned counsel appearing for the second respondent has filed a counter affidavit raising objection to allow the petition.



AS(MD)



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4.Considering the reasons assigned and also taking not into account the fact that the petitioner should be given one more opportunity to prosecute the appeal, this Court is inclined to condone the delay. Accordingly, this Civil Miscellaneous Petition is allowed."

Sd/-

Assistant Registrar (CS I)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

Copy to:

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

+ 1 CC to Mr.A.Saravanan, Advocate, SR.No.12764

ORDER DATED : 16/11/2022

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CD PURPOSE
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CMP (MD) NO.8932 of 2022
in
AS (MD) No.165 of 2014

Giving direction and etc.
as stated within.

MGJ(08.12.2022) 2P 3C