



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
CIVIL APPELLATE JURISDICTION**

**FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY TWO
PRESENT**

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CMP(MD) . NO.6951 OF 2018

IN

SA.NO. 1672 OF 1999

R.Ganesan

... Petitioner/Appellant/Respondent

Vs

T. Rengasamy

... Respondent/Respondent/Plaitiff

Prayer CMP(MD) . No.6951 of 2018 :-

This Petition filed under Section 5 of Limitation, praying this Court to condone the delay of 2559 days in filing the restoration application in SA.No. 1672 of 1999.

Prayer in SA. 1672/ 1999 :-

This Second Appeal filed under Section 100 of C.P.C., against the judgment and Decree made in A.S. No.61 of 1996 dated 14.12.1998 on the file of the Additional District Court, Pudukkottai, reversing the Judgment and decree made in O.S. No.118 of 1992 dated 31.07.1995 on the file of the District Munsif Court, Aranthangi.

ORDER:- This Civil Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. Babu Rajendran, Advocate for the Petitioner and of Mr. M.R.S.Prabhu, Advocate for the respondent, this Court made the following order:

This petition has been filed to condone the delay of 2559 days in filing the restoration petition to restore the second appeal in S.A.(MD)No.1672 of 1992.

2. The second appeal was dismissed for default on 16.06.2011. Therefore, the petitioner/appellant has filed a petition to restore the second appeal with the petition to condone the delay of 2559 days in filing the petition. In the meantime, the sole respondent died and the property of the sole respondent was also conveyed to his legal heirs.

3. Mr.M.R.S.Prabhu, learned counsel for the respondent submitted that since the sole respondent died, he is not having any instruction from the legal heirs of the deceased sole respondent and therefore, he suggested for ordering fresh notice in the petition.



4. Mr.Babu Rajendran, learned counsel for the appellant/petitioner submits that both the parties arrived at a settlement and agreed that the parties shall possess their respective properties. A copy of the agreement dated 24.07.2021 is also produced before this Court. The appellant/petitioner and the legal heirs of the sole respondent are also parties to the said agreement. Since the issue has been settled between the parties out of Court, ordering fresh notice in the petition would not serve any purpose. In view of the settlement arrived at between the parties on 24.07.2021, no further adjudication is required in the petition.

5. Recording the submission of the learned counsel for the appellant/petitioner, the petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Additional District Judge, Pudukkottai.

2. The District Munsif, Aranthangi.

Copy to:

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

+ 1 CC to Mr. BABU RAJENDRAN, Advocate for the Petitioner
(SR. No. 7643, dated 22/02/2022)

ORDER DATED : 18/02/2022

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ORDER

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CMP(MD). No.6951 of 2018
in

SA.No. 1672 of 1999

Giving direction and etc.
as stated within.

se (CO)

GC(27.04.2022) 2P 5C

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