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C.M.A.No.3711 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3711 of 2013

1. Srinivasan (Died)

2. Indrani

(Sole appellant died. Appellant 2 is brought on record as LR of the deceased sole appellant viz Srinivasan vide Court order dated 12.09.2023 made in CMP.No.20578 of 2023 in CMA.No.3711 of 2013)

... Appellants

Vs.

1. Ayyamperumal (Died)

2. Karthikeyan

3. Narmada

(Sole petitioner died. Respondents 2 & 3 who are already on record as LR of the deceased sole petitioner viz Srinivasan vide Court order dated 22.08.2023 made in C.M.P.No.18353 of 2017 in C.M.A.No.3711 of 2013)

4. The Official Receiver,
District Court Compound,
Hasthampatty,
Salem Town.

5. Indirani

6. Duraiarasan

7. Balaji

8. Gomathi

... Respondents



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PRAYER: The Civil Miscellaneous Appeal filed under Order XLIII Rule 1(na) of C.P.C, against the order and decretal order dated 11.09.2013 made in P.O.P.No.52 of 2012 on the file of the Principal District Judge, Namakkal.

For Appellants : Mr.T.Dhanyakumar

For Respondents : Mr.S.Uma Maheswari
for M/s.C.Jagadish for R5 to R8

No Appearance for R2 to R4

ORDER

The Civil Miscellaneous Appeal filed against the order and decretal order dated 11.09.2013 made in P.O.P.No.52 of 2012 on the file of the Principal District Judge, Namakkal.

2. It is the case of the appellants that the 1st appellant filed a suit in O.S.No.279 of 2000 for specific performance of sale agreement dated 06.10.1997 as against the respondents, on the file of learned Sub Judge, Namakkal and the same was decreed vide order 29.07.2011. Aggrieved by the same, the 1st appellant preferred an appeal in P.O.P.No.52 of 2012 before the learned Principal District Judge, Namakkal seeking to declare the 1st appellant as indigent person and to file an appeal as indigent person and the same was rejected vide order dated 11.09.2013, directing the 1st appellant to pay the court



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fee on or before 30.09.2013. Challenging the same, the civil miscellaneous appeal has been filed seeking the aforesaid relief.

3. It is brought to the notice of this Court that, during the pendency of this appeal, the 1st appellant died and hence, the legal representatives of the 1st appellant are permitted to pay the necessary Court fee and stamp duty in compliance with the order dated P.O.P.No.52 of 2012, before the Principal District Court, Namakkal within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the said amount, the learned Principal District Court, Namakkal is directed to take up the appeal and dispose of the same within a period of six (6) weeks thereafter.

4. Accordingly, this Civil Miscellaneous Appeal is disposed of. No costs.

05.10.2023

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Speaking Order : Yes/No

Index : Yes/No

NCC : Yes/No

Office to Note : Issue Order Copy on 06.10.2023



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M.DHANDAPANI,J

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To

The Official Receiver,
District Court Compound,
Hasthampatty,
Salem Town.

C.M.A.No.3711 of 2013

05.10.2023