



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Seventh day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). Nos.577 and 7757 of 2023

in

SA No.860 of 1999

Palaniandi

... Petitioner/ Appellant

Vs

1 Ramayee (Died)

2 Meenakshi

3 Kaliasammal(Died)

4 Veerapandian

5 Velayudham

6 R.Nallammal

7 M.Muthusami

8 Rajalakshmi

... Respondents/ Respondents

9 Pushpa Gandhi

10 Eswari

11 Logammal

(Respondents 9 to 11 are brought on record as Lrs of the deceased 1st respondent vide court order dated 30.08.2023 made in CMP(MD) Nos.11223 to 11225 of 2023 in S.A.No.860 of 1999)

12 Rajathi

13 Sundaramoorthy

14 Tamilarasi

15 Elangovan

(Respondents 12 to 15 are brought on record as Lrs of the deceased 3rd respondent vide court order dated 30.08.2023 made in CMP(MD) Nos.11228 to 11229 of 2023 in S.A.No.860 of 1999)

....Respondents



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This Petition is filed under section 5 of limitation Act to condone the delay of 2573 days in filing an application to restore S.a.No.860 of 1999 which was dismissed for default on 06.12.2013.

Prayer in CMP(MD).No.7757 of 2023:

This Petition is filed under Order 41 Rule 19 of C.P.C to set aside the order and restore S.A.No.860 of 1999 which was dismissed for default on 06.12.2013.

Prayer in S.A.No.860 of 1999.

Second Appeal filed under section 100 of the Code of C.P.C 1908 against the Judgment and decree dated 24.07.1998 passed in A.S No.155 of 1996 by the Principal District Court, Triuchirappalli confirming the Judgment and decree dated 25.03.1996 passed in O.S.No.123 of 1987 by the Sub Court, Karur.

ORDER:- These Petitions coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr. Valliappan, Senior Counsel for Mr.G.Mohan Kumar, Advocate for the Petitioner and of Mr.Senthil , Advocate for the Second respondent and of Mr.D.Venkatachalam, Advocate for the respondents 4 to 6 & 8, this Court made the

following order:



Being satisfied with the reasons stated in the affidavits filed in support of these petitions, these petitions are ordered and S.A.No.860 of 1999 is restored to file.

2. List the Second Appeal on 14.09.2023 under the caption 'for reporting settlement'.

Sd/-
Assistant Registrar()

// True Copy //

/09/2023
Sub Assistant Registrar(CS)

TO

- 1.The Principal District Court, Triuchirappalli
- 2.The Subordinate Judge, Karur.

Copy to:

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

ORDER DATED : 07/09/2023

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ORDER

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CMP(MD). Nos.577 and 7757 of 2023
Giving direction and etc.
as stated within.

MGJ(13.09.2023) 3P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023