



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

Thursday, the Eighth day of June Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.938 of 2022

IN

SA(MD) No.246 of 2013

1 A.S.CHINNAYAN (DIED)

2 SUSEELA

3 R.MUTHUKUMAR

4 INDIRANI

5 BHUVANESHWARI

6 MALARKODI

... PETITIONERS/PETITIONERS/RESPONDENTS

Vs

AYYARSAMY SERVAI

... RESPONDENT/RESPONDENT/APPELLANT

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 36 days in filing this application in C.M.P. No. Sr.No.62563 of 2021 to set aside the Judgment and Decree dated 18.02.2021 and restore the Second Appeal in S.A. No. 246 of 2013 on file.

PRAYER in SA(MD) No.246 of 2013:

Pleased to call for the records in the judgment and decree dated 10.11.12 in A.S.No.11 of 2012 on the file of the Principal Sub Court Dindigul, reversing the judgment and decree dated 30.10.10 in O.S.No.173 of 2008 on the file of the Principal Munsif Court, Dindigul and allow this second appeal with costs throughout.

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 none appeared either in person or through by an Advocate for the petitioner and of Mr.H.LAKSHMI SHANKAR, Advocate on behalf of the Respondent, the Court made the following order:-



the judgment and decree dated 18.02.2021 and restore the second appeal in S.A.(MD).No.246 of 2013.

2. The second appeal was disposed of on 18.02.2021, on merits. At that time, the counsel did not appear for the respondents. Thereafter, this application has been filed to hear the appeal.

3. When the application is taken up for hearing today, there is no representation for the petitioners. Hence, this application is dismissed.

sd/-

08/06/2023

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/06/2023

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

AKV

TO

1 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

2 THE PRINCIPAL DISTRICT MUNSIF
DINDIGUL.

ORDER

IN

CMP(MD) No.938 of 2022

IN

SA(MD) No.246 of 2013

Date :08/06/2023

SS/MMS/12/06/2023/2P/3C