



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Twentieth day of June Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

WEB COPY

CMP(MD) . No.522 of 2022

in

S.A.(MD) .NO.434 of 2006

1.Pushpavalli (Died),

2.Lalitha (Died)

...Appellants

3.Arunganapathi

4.Pradeep

5.Prasna

... Petitioners/Proposed Appellants

Vs

1 Saroja (Died),

2.Amirthajothi,

...Respondents 1 & 2/Respondents 1 & 2

3 Maheswari

4 Siva Balan

5 Seetha

6 Parameswaran

... Respondent 3 to 6 /Proposed Respondents

Prayer :-

This Petition filed unde Order 41 Rule 19 of C.P.C to set aside the order dated 23-04-2021 of dismissing the Second Appeal as abated and restore the Second Appeal in S.A.(MD).434 of 2006

Prayer in SA(MD) . 434/ 2006

Second Appeal filed under section 100 of C.P.C against the Judgment and decree dated 30.09.2005 and made in A.S.No.45 of 2004 on the file of the Subordinate Judge, Pattukottai reversing the Judgment and decree dated 09.07.2004 and made in O.S.No.71 of 2000 on the file of the District Munsif Court pattukottai.

ORDER:- This 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 Thiru. R.Nandakumar, Advocate for the Petitioner, this Court made the following order:



This petition is filed to set aside the order dated 21.04.2021 of dismissing the Second Appeal as abated and restore the Second Appeal in S.A(MD)No.434 of 2006.

2. Though the appeal was dismissed on 23.04.2021, this application was filed only on January 2022.

3. The learned counsel appearing for the petitioners would submit that since there was pandemic prevailing at that time, the limitation period was kept in abeyance.

4. Heard both sides and perused the materials available on record.

5. Though the reasons stated in the accompanying affidavit are not satisfactory, in order to give opportunity to the rival parties to prosecute the appeal, this petition is ordered. The order passed by this Court on 23.04.2021 in SA(MD)No.434 of 2006 is set aside. SA(MD)No.434 of 2006 is restored to file.

6. List on 18.07.2023 for disposal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

TO

1. The Subordinate Judge, Pattukottai

2. The District Munsif Court pattukottai.

Copy to:

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

2. The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

ORDER DATED : 20/06/2023

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ORDER

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CMP(MD) . No.522 of 2022

in

S.A.(MD) .NO.434 of 2006

Giving direction and etc.
as stated within.