



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

Tuesday, the Eighteenth day of April Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.1556 of 2022

IN

SA No.1266 of 1992

RAMASUBBHU @ RAJENDRAN ... PETITIONER/PETITIONER/APPELLANT
Vs

1 N.CHINNASUBBU NAICKER (DIED) ... NIL/NIL/1st RESPONDENT

2. K. MUNIYAMMAL, ... 2nd RESPONDENT/2nd RESPONDENT/2nd RESPONDENT

3 MAHALAKSHMI

4 SAKUNTHALA

5 GURUVAMMAL

6 ALAGAMMAL

7 S. GURUSAMY ... RESPONDENTS 3 TO 7/RESPONDENTS 3 TO 7/
LR's OF THE DECEASED 1st RSEPONDENT

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 4588 days in representation of the restoration petition filed in M.P.(MD).(S.R) No. 33148 of 2007 in S.A. No. 1266 of 1992 on the file of this Honourable Court.

PRAYER in SA.No.1266 of 1992:

Second appeal against the judgment and decree in A.S.No.70 of 1989 on the file of Subordinate Judge, Srivilliputhur, dated 24/07/1991, in confirming the judgment and decree in O.S.No.419 of 1983 on the file of Additional District Munsif Court, Srivilliputhur, dated 16/08/1989.

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 Mr.PRAGALATH RAVI, Advocate for M/S.V.P.VENKATARAMAN, for the petitioner and of Mr.B.RAHAMATHULLAH, Advocate on behalf of the Respondents, the Court made the following order:-



default. Thereafter, the petitioner has filed the petition to restore the second appeal and the said petition was returned by the Registry. The same has been re-presented by way of filing the present petition to condone the delay of 4588 days. Though the petitioner has stated some reason in paragraph Nos.2 and 3 of the affidavit filed in support of the present petition, the reasons are not sufficient to condone the delay of 4588 days, (i.e.,) nearly 10 years. However, in order to give opportunity to the petitioner, this petition is allowed with costs of Rs.25,000/- (Rupees Twenty Five Thousand only) payable by the petitioner before the Registry to the credit of C.M.P(MD).No.1556 of 2022 in S.A.No.1266 of 1992 on or before **26.04.2023**.

2. List the matter on **27.04.2023** for reporting compliance.
sd/-

18/04/2023

/ TRUE COPY /

/04/2023

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

TO

1 THE ADDITIONAL DISTRICT MUNSIF, SRIVILLIPUTHUR.

2 THE SUBORDIANTE JUDGE, SRIVILLIPUTHUR.

COPY TO:

1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP (MD) No.1556 of 2022
IN
SA No.1266 of 1992
Date :18/04/2023