



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

Tuesday, the Eleventh day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

C.M.P. (MD) .No.855 of 2023
in
S.A.No.1533 of 2000

THE PARISH PRIEST
SAINT MARIS CATHEDRAL,
POST BOX NO.3,
KUMBAKONAM, TANJORE DISTRICT.

... PETITIONER/APPELLANT

Vs

1 LILLY FRANCIS

2 PETER SELVARAJ (DIED)

... 2nd RESPONDENT

3 MERAI WILSON BALAN

4 REGINAL PAUL

5 ISABELLAH MARY

(*) 6 JOHUWA

(*) 7 MONO

... RESPONDENTS/RESPONDENTS 1 & 3 TO 7

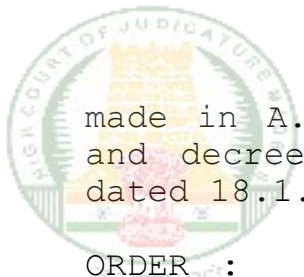
**MINOR R6 AND R7 ARE DECLARED AS MAJOR
AND THEIR GUARDIANSHIP/R5 IS
DISCHARGED VIDE COURT ORDER DATED
03.07.2023 MADE IN CMP(MD)NO.855 OF
2023 IN SA NO.1533/2000**

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 240 days in filing an application to restore the SA.No.1533 of 2000 that was dismissed for default against the 6th and 7th respondent on 29-04-2022.

Prayer in SA. 1533/ 2000 :

To prefer this Memorandum of grounds of Second Appeal against the judgement and decree dated 30/11/1999 of the Additional District Judge cum Chief Judicial magistrate, Tanjore at Kumbakonam,

<https://www.mhc.tn.gov.in/judis>



made in A.S No.7/1999 allowing the appeal reversing the judgment and decree of the Sub-Judge, Kumbakonam made in O.S No.128/1991 dated 18.1.1999.

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 M/S.N. DILIP KUMAR, Advocate for the petitioner, the Court made the following order:-

This petition has been filed to condone the delay of 240 days in filing the application to restore the second appeal, which was dismissed for default against the 6th and 7th respondents, on 29.04.2022.

2. Despite notice served and the counsel entered appearance and also the name printed, the respondents have not filed any counter. Though the reasons stated in the accompanying affidavit filed in support of this petition are not satisfied, however, in order to give an opportunity to the appellant to prosecute the appeal, this petition is allowed on payment of cost of Rs.5,000/- (Rupees Five Thousand only) before the Registry to the credit of C.M.P.(MD). No.855 of 2023 on or before 20.07.2023, failing which this petition shall stand dismissed automatically without further reference to this Court.

3. List the matter on 03.08.2023 for compliance.

sd/-

11/07/2023

/ TRUE COPY /

/07/2023

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

AKV

TO

1.THE ADDITIONAL DISTRICT JUDGE CUM CHIEF JUDICIAL MAGISTRATE,
TANJORE AT KUMBAKONAM,

2.THE SUB-JUDGE,
KUMBAKONAM.

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,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

ORDER
IN
C.M.P. (MD) .No.855 of 2023
in
S.A.No.1533 of 2000
Date :11/07/2023

RK/BUC (14/07/2023) 3P/7C