



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

Friday, the Twenty Fourth day of March Two Thousand and Twenty
Three

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PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.2798 of 2023

IN

AS No.150 of 2001

MR.V.AYYALUSAMY,

... PETITIONER/APPELLANT

Vs

BABU RAJENDRAN,

... RESPONDENT/RESPONDENT

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 1768 days in filing petition for restoration of M.P.(MD).1 of 2013 in A.S.No.150 of 2001, which was dismissal for non-prosecution on 24-03-2016.

PRAYER IN AS(MD)No.150 of 2001:

To prefer this Memorandum of Regular Appeal to this Hon'ble Court against the judgment and decree dtd 25.06.2001 made in O.S.No.31 of 1998 on the file of the Subordinate Judge, Kovilpatti, Thoothukudi District.

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.B.RAJESH SARAVANAN, Advocate for the petitioner, the court made the following order:-

This petition has been filed to condone the delay of 1768 days in filing the petition for restoration of M.P.(MD).No.1 of 2013 in A.S.No.150 of 2001, which was dismissed for non-prosecution on 24.03.2016. 2. The learned counsel appearing for the respondent has no serious objection for allowing this petition.

3. This Court has already permitted the petitioner to file a fresh petition to restore the M.P.(MD).No.1 of 2013 and he has also paid a sum of Rs.10,000/- as cost, as per the order of this Court.

4. Considering the nature of the suit, which was decreed as against the petitioner, in order to give fair opportunity to the petitioner to agitate his rights on merits, this petition is



CMP(MD)



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5. Post the appeal for argument on 24.04.2023.

sd/-
24/03/2023

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

AKV

TO

THE SUBORDINATE JUDGE
KOVILPATTI, THOOTHUKUDI

ORDER
IN
CMP (MD) No.2798 of 2023
IN
AS No.150 of 2001
Date :24/03/2023

ED/BUC/SAR-1 (28/03/2023) 2P 2C