



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Fifth day of July Two Thousand and Twenty Three

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PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) . No.2952 of 2023
in
SA(MD) No.719 of 2015

Gnanamuthan (Died)

- 1.Thangamani
- 2.Thangam
- 3.Ruseel Raj
- 4.Sivakumar
- 5.Sasikumar
- 6.Vasanthakumar
- 7.Lisy Bai

... Petitioners/Appellants

Vs

Kumaraswamy Nadar (Died)

1. P. Sivanthi
- 2 P. Emala
- 3 Kumaresan
- 4 Chellamma
- 5 Thompson
- 6 Sundaram
- 7 Ponnaiyan
Parukutty Amma (Died)
- 8 Manohari Amma
- 9 Thangam
- 10 Sukumaran Nair
- 11 Prabakaran Nair
- 12 Gopalan Nair



13 Padmini@Baby

14 Mohanakumaran Nair

15 Manikandan Nair

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Sivankaran Nair (Died)

16 N. Vijayakumar

17 N. Shiyamalakumari Amma

18 N. Rajakumar

19 N. Ajithakumari

20 N. Thangam

21 S. Kuttan (Died)

22 P. Radha

23 N. Ayyappan

24 N. Sekaran

25 N. Ravi

26 P. Srikumari

27 S. Neelakanda Pillai

28 S. Vasanthakumari

29 K. Jothi

30 K. Soufarnika

... Respondents/Respondents

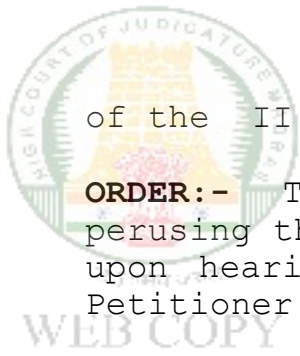
Prayer in CMP(MD) . No.2952 of 2023

Petition filed under section 5 of Limitation Act To condone the delay of 67 days in filing the petition to set aside the order passed by this Honourable Court in SA(MD).No. 719 of 2015 dated 02-11-2022 and thus render justice.

Prayer in SA(MD) No.719 of 2015

This Second Appeal filed under section 100 of the Civil Procedure code, against the Judgment and Decree dated 27/02/2015 made in A.S.No.114 of 2007 on the file of the II Additional Subordinate Judge, Nagercoil Camp Court, Kuzhithurai confirming the Judgment and Decree dated 20/03/2007 made in O.S.No.835 of 1990 on the file

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



of the II Additional District Munsif, Kuzhithurai

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 Mr.B.Christopher Advocate for the Petitioner this Court made the following order:

The appeal is pending from the year 2015. When the appeal was listed on 02.11.2022, there was no representation for the petitioners/appellants. Therefore, the appeal was dismissed for default on 02.11.2022. Thereafter, the petitioners/appellants have not taken any effective step to restore and argue the appeal.

2. This petition is filed to condone the delay of 67 days in filing the petition to set aside the order passed by this Court in S.A(MD)No.719 of 2015 dated 02.11.2022.

3. Though, the reasons stated in the accompanying affidavit are not satisfactory, in order to give opportunity to the parties to prosecute the appeal on merits, the petition is allowed on condition that the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Registry to the credit of C.M.P.(MD) No.2952 of 2023 in S.A(MD)No.719 of 2015 on or before 18.07.2023, failing which, the petition shall stand automatically dismissed without any further reference to Court.

4. List the matter on 20.07.2023 'for reporting compliance'.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

TO

1.The II Additional Subordinate Judge,
Nagercoil Camp Court,
Kuzhithurai

2.The II Additional District Munsif,
Kuzhithurai

Copy to:

1.The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.



2. The Sub- Assistant Registrar
A.E Section,
Madurai Bench of Madras High Court,

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

+ 1 cc to Mr. Mr.B.Christopher Advocate (sr 10250/23)

ORDER DATED : 05/07/2023

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ORDER

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CMP(MD) . No.2952 of 2023

in

SA(MD)No.719 of 2015

Giving direction and etc.
as stated within.

KB(12.07.2023) 4P 8C