



CMP(MD). No.2363 & 2443 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Twenty Seventh day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD). No.2363 & 2443 of 2023

in

SA(MD) Nos.566 & 588 of 2006

SA(MD)No.2363 of 2023:-

P.Muthuvinayagasundaram(Died) ...Solo Appellant

1)G.Vignesh Kumar ... Petitioner/Proposed 2nd Appellant

Vs

1 V.Sathurusankaravel

2 S.Anandavalli

3 P.Shanmugampillai,

4 Ganasekaran,

5 S.Velavan ... Respondents/Respondents

SA(MD)No.2443 of 2023:-

P.Muthuvinayagasundaram ... Sole Appellant

- Vs. -

1. P.Gnanasekaran

2. S.Velavan

3. P.Shanmugampillai

4. V.Sathurusankaravel

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5. S.Anandavalli

... Respondents

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Prayer in CMP(MD)No.2363 of 2023:-

This Civil Miscellaneous Petition is filed under section 5 of limitation Act,to condone the delay of 3105 days in filing the petition for restoring the above Second Appeal in SA(MD).No.588/2006.

Prayer in CMP(MD)No.2443 of 2023:-

This Civil Miscellaneous Petition is filed under section 5 of limitation Act,to condone the delay of 3105 days in filing the petition for restoring the above Second Appeal in SA(MD).No.566/2006.

Prayer in SA(MD) No.566 of 2006:-

This second Appeal is filed under section 100 of C.P.C., to prefer against the decree and judgment dated 04/10/2005 made in AS No.72 of 2003 on the file of 1st Addl. Sub Court, Madurai, by setting aside the decree and judgment dated 23/01/2003 ,made in OS No.399 of 1999 on the file of Prl. District Munsif, Madurai Town.

Prayer in SA(MD)588 of 2008:-

This second Appeal is filed under section 100 of C.P.C., to prefer against the



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decree and judgment dated 04/10/2005 made in AS No.117 of 2003 on the file of 1st Addl. Sub Court, Madurai, by setting aside the decree and judgment dated 23/01/2003 ,made in OS No.399 of 1999 on the file of Prl. District Munsif, Madurai Town.

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.R.Narayanan, Advocate for the Petitioner and of Mr.V.Srinivasan Advocate for the respondents 1 & 2, this Court made the following order:

These petitions are filed to condone the delay of 3105 days in filing the petitions for restoring the second appeals.

2. The sole appellant died and the second appeals were also dismissed as abated on 27.07.2012. The legal representatives of the deceased sole appellant have not come forward to file any application to prosecute the appeal. However, the present petitions have been filed by the subsequent purchaser after a lapse of 10 years and he is not the legal heir of the deceased sole appellant. Hence, this Court is



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not satisfied with the reasons assigned in the affidavit filed in support of these petitions. Accordingly, these Civil Miscellaneous Petitions are dismissed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

ssb
TO

- 1.The I Addl. Sub Judge, Madurai.
- 2.The Prl. District Munsif, Madurai Town.

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)

+2. CC to M/S.V.SRINIVASAN, Advocate SR.No.31585,31584

ORDER DATED : 27/06/2023

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ORDER

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CMP(MD). No.2363 & 2443 of 2023

in

SA(MD) Nos.566 & 588 of 2006

Giving direction and etc.
as stated within.

RD(28/07/2023) 4P / 8 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.
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