



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Wednesday, the Fifth day of July Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) . No.5379 of 2023
in
SA No.1081 of 1999

Raja Gopal (Died)

1.Palanivel

2.Chellapaakyam

3.Bhagavath Singh

4.Bhuvaneshwari

... Petitioners/Petitioners/
Proposed Respondents

Vs

1 Pavazhakodi

...1st Respondent/Appellant

2 Kaithoon Beevi

...2nd Respondent/2nd Respondent/2nd Respondent

3 The Tasildar
Alangudi Taluk,
Pudukkottai.

...3rd Respondent/3rd Respondent/
3rd Respondent

Prayer in CMP(MD)No.5379 of 2023:-

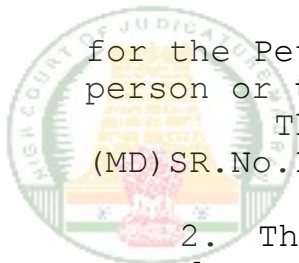
This Civil Miscellaneous Petition is filed under section 151 of C.P.C.,to accept the cause title in CMP (MD).Sr.No.15841 of 2023 in S.A.(MD).No.1081 of 1999.

Prayer in SA No.1081 of 1999:-

This Second Appeal is filed under section 100 of C.P.C.,to prefer the Memorandum of Grounds of Second Appeal as against the judgement and decree dated 27.07.98 passed in A.S.No.140/97 on the file of the Sub Judge at Pudukkottai,confirming the Judgement and decree dated 28.06.96 passed in O.S.No.465/93 on the file of the District Munsif, Aranthangi.

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.P.Ganapathy Subramanian, Advocate



for the Petitioner and that the Respondents no appearance (in person or through Counsel, this Court made the following order.

This petition is filed to accept the cause title in C.M.P. (MD)SR.No.15841 of 2023 in S.A.No.1081 of 1999.

2. The first respondent in the present petition filed the appeal against the father of the petitioners and their father died even in the year 2010. The appeal was kept pending till 2023. Thereafter, since there was no representation from the respondents, after hearing the learned counsel for the appellant, the appeal was decided on merits and an exparte Judgement was passed. Now the petitioners have filed the present petition to accept the cause title stating that, pending appeal, their father died and the same was not reported before this Court.

3. When the matter was taken up for hearing on 20.06.2023, at the request of the learned counsel for the respondents, it was adjourned to today for counter and disposal.

4. Today, there is no representation for the respondents and no counter has been filed.

5. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

6. Though, the reasons stated in the accompanying affidavit are not satisfactory, in order to give opportunity to the petitioners to implead themselves in the appeal and put forth valid defence, 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.5379 of 2023 in S.A.No.1081 of 1999 on or before 12.07.2023, failing which, the petition shall stand automatically dismissed without any further reference to Court.

7. List the matter on 13.07.2023 'for reporting compliance'.

Sd/-

Assistant Registrar()

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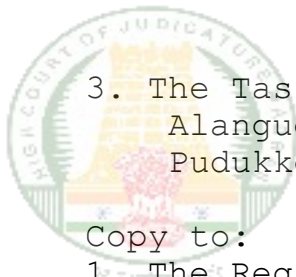
10/07/2023

Sub Assistant Registrar(CS)

TO

1.The Sub Judge,
Pudukottai.

2.The District Munsif,
Aranthangi.



3. The Tasildar
Alangudi Taluk,
Pudukkottai.



Copy to:

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

2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

3. The Section officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 05/07/2023

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ORDER
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CMP(MD) . No.5379 of 2023
in
SA No.1081 of 1999

Giving direction and etc.
as stated within.

MGJ(10.07.2023) 3P 7C