



CMP(MD) No.6823 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY,

CMP(MD) No.6823 of 2023

in

SA.No.2062 of 2000

POMMA NAICKER (DIED on 12-12-2019) ... 1st APPELLANT
PALANISAMY NAICKER (DIED ON 22-01-2017) ... 2nd APPELLANT

BALAMURUGAN ... PETITIONER/ 3rd APPELLANT

Vs

1 SIVAPERUMAL

2 SOUNDARAPANDIAN,

3 THIRUMALAISAMY,

4 DHANAPACKIAM, ... RESPONDENTS 1 TO 4/RESPONDENTS 1 TO 4

5 V.PALANISAMY NAICER(DIED ON.05-11-2011) ... 5th RESPONDENT

6 POMMA NAICKER ... 6th RESPONDENT/6th RESPONDENT

7 ERAMMAL (DIED-01-04-2001) ... 7th RESPONDENT

8 ERAMMAL(DIED ON 10-03-2010) ... 8th RESPONDENT



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9 SEELAYEE

... 9th RESPONDENT/9th RESPONDENT

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10 CHINNAMMAL(DIED ON 15-03-2002) ... 10th RESPONDENT

11 MANICKAM

12 NATARAJ

13 TAMILSELVI

14 ANJU LAKSHMI

15 BOMMUTHAYEE ... RESPONDENTS 11 TO 15/RESPONDENTS 11 TO 15

16 VELUSAMY

17 THANGAVEL ... RESPONDENTS 16 & 17/RESPONDENTS 16 & 17
(LEGAL HEIRS OF DECEASED 7th RESPONDENT
ERAMMAL)

18 THANGAVELU ... 18th RESPONDENT/18th RESPONDENT/
(LEGAL HEIRS OF DECEASED 8th RESPONDENT ERAMMAL)

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 1360 days in filing the application to restore the S.A.No.2062 of 2000, which is dismissed for default for non taking of steps in respect of respondents 7,8 and 10 by order dated 01-09-2017.

Prayer in SA. 2062/ 2000 :

To prefer this Memorandum of Grounds of Second Appeal against the judgment and decree dated 31.03.2000 on the file of Additional District Judge, Dindigul in AS NO. 142/1994, thereby reversing the Judgement and decree made in OS No. 459/1984 dated 06.01.1994 on the file of Additional District Munsif Court, Dindigul.



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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. VR.SHANMUGANATHAN, Advocate for the petitioner, the Court made the following order:-

Conditional order passed by this court, dated 06/07/2023 has been complied with and the cost memo is also filed. The said memo is recorded. The second appeal already dismissed as against the R7, R8 & R10 is restored on file.

Post after two weeks for arguments.

sd/-
25/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM
TO
1 THE ADDITIONAL DISTRICT JUDGE, DINDIGUL.

2 THE ADDITIONAL DISTRICT MUNSIF, DINDIGUL.

ORDER
IN
CMP(MD) No.6823 of 2023
in
SA.No.2062 of 2000
Date :25/07/2023

PKP/DD/SAR- /31.07.2023/ 3P/ 3C

Madurai Bench of Madras High Court is issuing certified
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