



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Fifteenth day of June Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

C.M.P (MD) No.7112 of 2021

in

S.A. (MD) SR.No.41577 of 2021

GOWRI

... PETITIONER/APPELLANT

Vs

1 INDIRANI

2 NIRMALA

3 NEPOLIAN

4 NALINI

5 N.BASKAR

6 R.SOUNDARAPANDIYAN

7 RAJAMMAL

8 MANORANJAN

9 NIRANJANADEVI

... RESPONDENTS/RESPONDENTS

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 190 days in occurred in Preferring the Second Appeal and pass any further orders as this Honble Court may deem fit and proper under the facts and circumstances of this case and thus render justice.

PRAYER IN S.A. (MD) SR.No.41577 of 2021:

To set aside the Judgment and Decree dated 31.01.2019 made in A.S.No.323 of 2012 on the file of the Learned Ist Additional Subordinate Judge, Tiruchirappalli reversing the Judgment and Decree dated 28.03.2012 made in O.S.No.1834 of 2005 on the file of the Learned Ist Additional District Munsif, Trichirappalli.



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.K.S.KATHIRAVAN, Advocate for the petitioner and of M/S.M.SARAVANAN, Advocate on behalf of the Respondents 1 to 5 and not appeared for the respondents 7 to 9 either in person or through by an advocate, the court made the following order:-

This petition is filed to condone the delay of 190 days in preferring the Second Appeal.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 to 5. The 6th respondent is only a formal party and as seen from the cause list, the 6th respondent is dead and the learned counsel has also made an endorsement in the court bundle for giving up the 6th respondent. The names of the respondents 7 to 9 are printed in the cause list and none represented on behalf of the respondents 7 to 9.

3. The learned counsel for the respondents 1 to 5 has not raised any serious objection for allowing this application.

4. This Court is satisfied with the reasons contained in the affidavit filed in support of the application to condone the delay of 190 days in preferring the Second Appeal. Accordingly, this petition is allowed as prayed for.

5. The Registry is directed to number the Second Appeal if it is otherwise in order and list the same for admission.

sd/-
15/06/2023

/ TRUE COPY /

/06/2023

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

cm

TO

1.THE IST ADDITIONAL SUBORDINATE JUDGE,
TIRUCHIRAPPALLI

2.THE IST ADDITIONAL DISTRICT MUNSIF,
TRICHIRAPPALLI.



C.M.P(MD)



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COPY TO

1. THE SUB ASSISTANT REGISTRAR
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
C.M.P (MD) No.7112 of 2021
in
S.A. (MD) SR.No.41577 of 2021
Date :15/06/2023

RK/BUC/SAR- (20/06/2023) 3P 5C