



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

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

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.7896 of 2023

IN

CROSS OBJECTION NO. 68 of 1999

R. SARATHA AMMAL(DIED)

...CROSS OBJECTOR/1st RESPONDENT

R.RAJKUMAR,

... PETITIONER/PROPOSED APPELLANT
/LEGAL HEIR OF THE SOLE CROSS OBJECTOR

Vs

1 A. RAJAMMAL

2 THOOTHUKUDI MUNICIPALITY
THROUGH ITS COMMISSIONER,

W.O.C.ROAD, TUTICORIN ...RESPONDENTS/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 460 days in filing the Restoration Petition in the above Cross Objection No.68 of 1999 dated 12/03/2021 which was dismissed for default on the file of this Honourable Court.

PRAYER IN CROSS OBJECTION NO.68 of 1999:

To preferred an appeal to this Hon'ble Court from the Decree dated 05.07.1996 in A.S.No. 403 of 1994 on the file of Principal District Judge, Tuticorin (against the decision in O.S.No. 639/88 on the file of the Principal District Munsif, Tuticorin) and whereas the notice of the day fixed for the hearing of the appeal was served on this Cross Objector files this Memorandum of Cross Objection under order 41 Rule 22 C.P.C.and sets forth.

PRAYER IN SA No. 1399 of 1997:

To set aside the Decree and Judgment of dated 05.07.1996 rendered in A.S.No. 403 of 1994 on the file of Principal District Judge, Tuticorin, in so far it related to that portion of decree reading as "Subject to the observations made in the judgment with regard to the Appellant's (the first respondent herein) right to air, light, drianage of water, white washing etc.," while confirming the decee and judgment dated 26.03.1992 rendered in O.S.No. 639 OF 1998 on the file of Additional District Munsif of Tuticorin.



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. S.SELVA ADITYA, Advocate for the petitioner, the court made the following order:-

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This petition has been filed to condone the delay of 460 days in filing the cross objection No.68/1999.

Though the reasons stated in the affidavit filed in support of this petition are not satisfied, in order to give an opportunity to prosecute the appeal, the delay is condoned on payment of cost of Rs.10,000/- (Rupees Ten thousand only) by the petitioners before the Registry to the credit of CMP(MD)No. 7896/2023 today itself.

List the cross objection on 06/07/2023.

sd/-

05/07/2023

/ TRUE COPY /

/07/2023

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

CKV

TO

- 1 THE PRINCIPAL DISTRICT JUDGE
TUTICORIN.
- 2 THE ADDITIONAL DISTRICT MUNSIF
TUTICORIN

COPY TO

- 1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
2. THE SUB ASSISTANT REGISTRAR,
AE SECTION
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CMP(MD)



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4. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

WEB COPY

ORDER
IN
CMP(MD) No.7896 of 2023
IN
CROSS OBJECTION NO. 68 of 1999
Date :05/07/2023

PKP/VR/SAR- /05.07.2023/ **3P/7C**