



C.R.P.(MD)No.13 of 2021

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DATED: 13.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.13 of 2021
and
C.M.P.(MD)No.118 of 2021

Indhirani (Died)

1. Vijaya

2. Vinothkumar

3. Vetrivel

... Petitioners

Vs.

Angammal (Died)

1. Chinnadurai

2. Saraswathi

3. The Branch Manager
Karur Vysya Bank Limited
Moondranthaal, Thenkari,
Periyakumal.

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order dated 03.01.2019 in I.A.No.2 of 2019 in A.S.No. unnumbered of 2019 on the file of the learned Principal District and Sessions Judge, Theni.



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For Petitioners : Mr.P.Ganapathi Subramanian
For R1 : Mr.V.George Raja
for M/s.Ajmal Associates
For R2 : No appearance
For R3 : Mr.V.Sugumar

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.02 of 2019 in A.S.No. ... of 2019 dated 22.07.2020 on the file of the Principal District and Sessions Court, Theni, dismissing the application filed under Order 41 Rule 3(A) C.P.C. to condone the delay of 2061 days in filing the appeal.

2. When the matter is taken up for hearing today, the learned counsel appearing for the revision petitioners as well as the third respondent would submit that the matter was settled between the parties and they have filed a joint compromise memo.

3. The learned counsel appearing for the respondents 1 and 3 would submit that since the matter was compromised between the parties, the same has to be recorded before the appellate Court and they are not having



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any objection to condone the delay in filing the appeal and thereby to allow the revision.

4. Considering the fact and circumstances and also taking note of the compromise between the parties and also the submission made by the learned counsel appearing for the respondents 1 and 3, this Court is inclined to allow the civil revision petition and thereby condoning the delay in filing the appeal.

5. In the result, this Civil Revision Petition is allowed and the appellate Court is hereby directed to take the appeal on file, if it is otherwise in order and to proceed further. The parties are directed to file a compromise petition before the appellate Court and on receipt of the same, the appellate Court is directed to proceed in accordance with law. The copy of the Joint Compromise Memo dated 13.12.2023 shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

13.12.2023

NCC :yes/No

Index :yes/No

Internet:yes/No

csm

Note : Issue order copy on 19.12.2023



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K.MURALI SHANKAR,J.

csn

To

1. The Principal District and Sessions Court,
Theni.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.13 of 2021
and
C.M.P.(MD)Nos.118 of 2021

Dated : 13.12.2023