



CMP(MD) No.8970 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Eighteenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice C. KUMARAPPAN

CMP(MD) No.8970 of 2023

in

SA(MD) No.256 of 2019

RM.SATHAPPAN

... PETITIONER/ APPELLANT

Vs

1 N.DHARMAMBAL AATCHI (DIED)

2 N. MUTHAIAH

3 N. RAVI,

4 N. ANNAMALAI,

N. VISHALATCHI (DIED)

5 N. NIRMALA,

6 S. MUTHU MOHAMED (DIED)

7 G. KALAICHELVAN

... RESPONDENTS 1 TO 7/RESPONDENTS 1 TO 7

8 BARAKATHUNNISA,

9 RABIK MOHAMED,



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10 ANWAR BANU,

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11 SYED MOHAMED,

... RESPONDENTS 8 TO 11/
PROPOSED RESPONDENTS 8 TO 11
LEGAL HEIRS OF DECEASE 6TH RESPONDENT

Civil Miscellaneous 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 314 days in filing the application to restore the S.A.(MD). No. 256 of 2019, which is dismissed for non-taking of steps in respect of 6th respondent by order dated 04.08.2022.

PRAYER IN SA(MD).256/2019 :

To set aside the judgment and decree made in A.S.No.59 of 2015 on the file of the Principal District Court, Dindigul, dated 21.12.2017 confirming in judgment and decree made in O.S.No.391 of 2010 on the file of the Principal Sub Court, Dindigul dated 20.10.2011 and thereby allow the second appeal.

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 and of MR.B.PRAHALAD RAVI, Advocate on behalf of the Respondent Nos.1 to 4 and MR.A.ARUMUGAM, Advocate on behalf of the 5th Respondent and MR.K.C.RAMALINGAM, Advocate on behalf of the Respondent Nos.8 to 11, the court made the following order:-

The learned counsel appearing for the respondents 8 to 11 has strongly objected in allowing this petition, and expressing the hardship faced by them.

2. The learned counsel appearing for the other respondents has no serious objection in allowing this petition.

3. Having considered the submission made by the learned counsel on either side and also being satisfied with the averments in the affidavit, this Court is inclined



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to allow this petition. However, considering the hardship faced by the respondents 8 to 11, this Court is inclined to direct the petitioner to pay a cost of Rs.2000/- (Rupees Two Thousand only) to the respondents 8 to 11 within a period of two weeks from today. Failing which, this application will be dismissed automatically without any further reference to this Court.

sd/-
18/08/2023

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/08/2023

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

TO

1 THE PRINCIPAL DISTRICT JUDGE, DINDIGUL.
2 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL.

ORDER IN
CMP(MD) No.8970 of 2023
in
SA(MD) No.256 of 2019
Date :18/08/2023

RS/BUC/SAR-(22.08.2023) 3P 3C
Madurai Bench of Madras High Court is issuing
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