



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Thirtieth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). No.10473 of 2023

in

S.A(MD).No.55 of 2014

C.Chinnadurai

.. Petitioner/Petitioner/Petitioner/
Petitioner/ Appellant

Vs

1 G.Angappan (Died)

2 A.Sundari

3 A.Ganapathy @ Prabakaran

4 A.Subbuthai @ Suba

... Respondent 2 to 4/ Respondents 2 to 4/
Respondents 2 to 4/ Respondents 2 to 4/
Lrs of deceased sole Respondent /
Proposed Respondents 2 to 4

Prayer :-

Civil Miscellaneous Petition No.10473 of 2023 is filed Under Section 41, Rule 19 of CPC to Set aside the order dated 06.07.2023 passed in CMP.(MD).No.1645 of 2023 and restore the same and thus render justice.



Prayer in CMP(MD). 1645/ 2023 :

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Civil Miscellaneous Petition is filed Under order 4 R 9 (4) of AS Rules to Condone the Delay of 361 days in representing the extension petition in C.M.P. (MD).SR.No.63580 of 2021.

Prayer in SA(MD).55 of 2014:

Second Appeal is filed under Section 100 of CPC against the Judgment and decree passed in A.S.No.127/2012 dated 29.01.2013 on the file of the Court of Principal Sub Court, Tirunelveli confirming the judgment and decree passed in O.S.No.750/2008 dated 05.07.2012 on the file of the 2nd Additional District Munsif Court, Tirunelveli.

ORDER:- This Civil Miscellaneous Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.H.Arumugam, this Court made the following order:

"This petition is filed to set aside the order dated 06.07.2023 in C.M.P. (MD)No.1645 of 2023, which was dismissed for non payment of cost as per the order of this Court dated 03.07.2023. However, the petitioner has now come up with an application in C.M.P.(MD)No.10954 of 2023 to extend the time limit for payment of cost and the same has been ordered today.



2. At this juncture, the learned counsel for the petitioner submits that the petitioner is ready to deposit the cost and comply with the order of this Court dated 03.07.2023.

3. In view of the same, this petition is ordered on condition that the petitioner complies with the order of this Court dated 03.07.2023 in C.M.P.(MD)No.1645 of 2023."

Sd/-

Assistant Registrar(AS)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

TO

1. The Principal Subordinate Judge, Tirunelveli.
2. The 2nd Additional District Munsif, Tirunelveli.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(for posting the matter)



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BEFORE THE MADURAI BENCH OF
MADRAS HIGH COURT
Hon`ble Mr.Justice
KRISHNAN RAMASAMY

ORDER DATED : 30/08/2023

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ORDER

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CMP(MD). No.10473 of 2023
in
S.A(MD).No.55 of 2014

SI(20.09.2023) 4P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.