



AS(MD). No.80 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Twelfth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

AS(MD)No.80 of 2014

Ammani(Died)

1.Mallappan

2.Veeruchinnammal

3.Veeralakshni

... Appellants 1 to 3/ Plaintiffs 2 to 4

Vs

1.Vellaithai (Died)

2.Annakamu (Died)

3.Rajammal

4.Muthupandi

5.Subbulakshmi

6.Rajendran

... Respondents/Defendants

(6th Respondent is Brought On Record as Lr of the Deceased 1st respondent vide Court Order dated 20.02.2023 made in CMP(MD)Nos.530, 532 and 535 of 2023 in AS (MD)No.80 of 2014)

(Memo dated 01.11.2022 filed on 04.11.2022 in USR No.31237 is recorded to the effect that R2 died and R3 to R5, who are already on record are recorded as Lrs of the deceased R2 vide Court order dated 19.01.2023 made in AS(MD)No.80 of 2024)

Prayer :- This Appeal Suit is filed under Section 96 of A.S.Rules against the judgment and decree dated 02.12.2013 passed in O.S.No.72 of 2010, on the file of Additional District cum Sessions Court, Dindigul.



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ORDER:- This Appeal Suit coming on for orders on this day and upon perusing the earlier order of this Court dt.05.06.2023 and the requisition letter submitted by the Additional District & Sessions Judge, Dindigul, in D.No.134/2024 dated 01.02.2024 and this Court made the following order:-

This Appeal Suit has been listed today under the caption 'for extension of time' to dispose of the case in O.S.No.72 of 2010 pending on the file of the Additional District Court, Dindigul.

2.This Court received a letter from the learned Additional District Judge, Dindigul, dated 01.02.2024 seeking extension of further time to dispose of O.S.No.72 of 2010 pursuant to the judgment of this Court dated 05.06.2023.

3. This Court passed an order dated 05.06.2023 to dispose of the case in O.S.No.72 of 2010 on the file of the Additional District Court, Dindigul within a period of four months from the date of receipt of a copy of the judgment. Now the Additional District Judge, Dindigul sought six months time to dispose of the suit to comply with the order passed by this Court.



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4. The reasons stated by the learned judge is that the Court notice sent to both the parties and their counsels. On return of Court notice, it was noticed that D2 died. On 23.11.2023, the learned counsel for the plaintiffs reported that 3rd plaintiff and 1st defendant also died. The Legal heirs of D2 were already on record and steps to implead the LR's of the deceased 1st defendant and 3rd plaintiff were also filed on 29.01.2024 and taken on file in I.A.No.1 of 2024 to I.A.No.6 of 2024 and they are pending for service of summons to the proposed parties. Therefore, he seeks time to dispose of the case further six months.

5. Considering the reasons stated by the learned Additional District Judge, the further time of six months is granted to dispose of the case in O.S.No.72 of 2010. The learned Additional District Judge, Dindigul is directed to dispose of the case within time and it is made clear that no further time will be granted by this Court.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/03/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)



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TO
The Additional District and Sessions Judge,
Dindigul.

ORDER DATED : 12/03/2024

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TIME EXTENSION

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AS(MD)No.80 of 2014
Giving direction and etc.
as stated within.

MK/25.03.2024 4P 2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023