



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.12303 of 2016

IN

SA No.1790 of 2003

AYYAMMAL

... Petitioner/Appellant

Vs

1 Sri Muniandi Swamy Temple,
Sri Kaliyamman Swami Temple of Sakki
Naickenpatti and Sri Bagavathi Worshippers
Through Their Oor Nattammai and Poosari
V.Ramasamy Gounder

V.Ramasamy Gounder

2 Muniandi Gounder,

3 Palanisamy Gounder (Died)

4 Bagavathi Raj,

5 S.Thirupathi,

6 Erranathan,

... Respondents 1 to 6 /Respondents

7 Ponnuthai

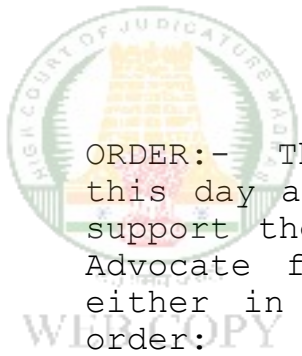
... Proposed 7th Respondent

Prayer in CMP(MD) . No.12303 of 2016:-

This civil Miscellaneous Petition filed under order 41 , Rule 19 of Civil Procedure Code, to Condone the delay of 446 days caused in filing the petition to set aside the order of dismissal of default of the above second appeal S.A.No.1790/2003 on 25.03.2013.

Prayer in SA.No. 1790 of 2003:

This memorandum of grounds of second appeal filed under section 100 CPC against the judgement and decree in AS No.177/99 on the file of Principal Sub-Judge, Dindigul dated 07/03/2003 in reversing the judgement and decree in O.S No.1951/1991 on the file of Principal District Munsif, Dindigul dated 04/06/1998.



ORDER:- This civil Miscellaneous Petition 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 Ms. S. Ramesh, Advocate for the Petitioner and the Respondent has not appear either in Person (or) on Advocate, this Court made the following order:

This petition is filed to condone the delay of 446 days in filing the petition to set aside the order dated 25.03.2013 in the appeal.

2. This Court dismissed the appeal in the year 2013 since the appellant has not taken any step to prosecute the appeal without any valid reason. Thereafter, the petitioner/ appellant filed this petition in the year 2016. When the matter came up on 16.06.2023, it was brought to the knowledge of the Court that R1 and R7 died. Therefore, this Court directed the petitioner/appellant to take steps to implead the legal representatives of the deceased. However, no steps have been taken till date, which clearly shows that the petitioner/ appellant is not interested in prosecuting the appeal and for one reason or other, she wants to keep the appeal pending for the reasons known to her. Therefore, the petition is dismissed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

TO

1.THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL

2.THE PRINCIPAL DISTRICT MUNSIF, DINDIGUL

Copy to:

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.S.RAMESH, Advocate SR.No.32865.



WEB COPY

CMP(MD). N



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ORDER DATED : 05/07/2023

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ORDER

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CMP(MD) . No.12303 of 2016

IN

SA No.1790 of 2016

Giving direction and etc.
as stated within.

MK/17.07.2023 3P 6C