



CMP(MD) No.9942 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Seventeenth day of August Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD) No.9942 of 2019

IN

SA(MD) No.167 of 2011

1 K.R.Chidambaram

... Petitioner / Appellant

Vs

1 S.K.Muthaiah

2 Shanthi, Chandra (died)

3 A.Selvam

4 A.Pugalendi

5 A.Arun

(Respondents 3 to 5 are brought on record as Lrs of the deceased
R3 as per order dated 12.10.2018 in CMP(MD) No.9504 to 9506/2016)

... Respondent / Respondent

Prayer:-

This Civil Miscellaneous Petition filed under Section 5 of the Limitation Act
pleaded to condone the delay of 299 days in filing restoration petition in SA(MD)
No.167 of 2011.

Prayer in SA(MD) No.167/2011:-

This Second Appeal setting aside the decree of the trial Court and the first



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Appellate Court and decree the suit of the plaintiff in the Trial Court by allowing plaintiff's class for specific performance of sale contract with costs.

ORDER : This Revision / Appeal Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the argumets non appeared of the petitioner either in person or by an advocate and of Ms.Krishnakumar, Advocate for the respondent(s) 1 & 2) this court made the following order:-

This petition is filed to condone the delay of 299 days in filing restoration petition in the above second appeal.

2.When the matter was taken up for hearing on 26.07.2023, there was no representation for the petitioner/appellant. Hence, it is listed today. Even today, there is no representation for the petitioner/appellant. Hence, this miscellaneous petition is dismissed for non-prosecution.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)



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TO

1. THE SUBORDINATE JUDGE, DEVAKOTTAI.
2. THE ADDITIONAL DISTRICT MUNSIF, KARAIKUDI.

ORDER DATED : 17/08/2023

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ORDER
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CMP(MD) No.9942 of 2019
in
SA(MD) No.167 of 2011

Giving direction and etc.
as stated within.

KSR/26.09.2023 3P 3C

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