



C.M.P(MD)Nos.9690 & 9691 of 2023

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

Monday, the Seventh day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

C.M.P(MD)Nos.9690 & 9691 of 2023

in

S.A(MD)Nos.1017 & 1018 of 2006

S.REVATHI

... PETITIONER/PETITIONER/ APPELLANT
IN BOTH PETITIONS

Vs

1 R.SHANMUGASUNDARAM(DIED),

2 S.KARTHIR VEL,

3 GIRIJA RAJAESWARI,

4 THILAGAVATHI,

... RESPONDENTS/RESPONDENTS/RESPONDENTS
IN CMP(MD).9690/2023

1 THANGARAJ

2 R.SHANMUGASUNDARAM(DIED)

3 S.KARTHIRVEL

4 GIRIJA RAJAESWARI

5 THILAGAVATHI

... RESPONDENTS/RESPONDENTS/RESPONDENTS
IN CMP(MD).9691/2023



Prayer in CMP(MD). 9690/ 2023 :

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to modify the order dated 13.07.2023 made in the above CMP(MD). No. 5029/2020 in SA(MD). No. 1017/2006 and thus render justice.

Prayer in CMP(MD). 9691/ 2023 :

To modify the order dated 13.07.2023 made in the above CMP(MD). No. 5032/2020 in SA (MD). No. 1018/2006 and thus render justice.

Prayer in CMP(MD). 5029/ 2020 in SA(MD).1017/2006:

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 2276 days in seeking to set aside the abatement of S.A(MD).No.1017 of 2006 Caused by the death of the sole respondent namely R.Shanmugasundaram and thus render justice.

Prayer in CMP(MD). 5032/ 2020 in SA(MD).1018/2006:

To condone the delay of 2276 days in seeking to set aside the abatement of S.A (MD).No.1018 of 2006 Caused by the death of the 2nd respondent namely R.Shanmugasundaram and thus render justice.

Prayer in SA(MD).1017/2006:

Pleased to allow the above Second Appeal setting aside the judgment and decree of the learned 1st Additional Subordinate Judge, Tiruchirappalli dated 18.04.2006 in A.S.No.30 of 2005 confirming the judgment and decree of the learned 1st Additional District Munsif, Tiruchirappalli dated 28.10.2004 in O.S.NO.1374/98 And dismiss the said suit.

Prayer in SA(MD).1018/2006:

Pleased to allow the above Second Appeal setting aside the judgment and decree of the learned 1st Additional Subordinate Judge, Tiruchirappalli dated 18.04.2006 in A.S.No.31 of 2005 confirming the judgment and decree of the learned 1st Additional District Munsif, Tiruchirappalli dated 28.10.2004 in O.S.NO.923/95 And to allow the said suit.

ORDER : These Civil Miscellaneous petitions 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.T.M.HARIHARAN, Advocate for the petitioner in both Petitions, the court made the following order:-



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These petitions are filed to modify the cost imposed by this Court by virtue of order dated 13.07.2023.

2. Being satisfied with the reasons stated in the affidavit filed in support of these petitions, the order dated 13.07.2023 in C.M.P(MD)Nos.5029 & 5032 of 2020 is modified and the amount to be deposited is reduced from Rs.22,000/- to Rs.2,000/- in each CMPs.

3.The petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) each towards costs before the Registry to the credit of C.M.P(MD)Nos.5029 & 5032 of 2020 on or before 16.08.2023, failing which, these applications as well as C.M.P(MD) Nos.5029 & 5032 of 2020 shall stand dismissed automatically without any further reference to Court.

4. List on 16.08.2023.

sd/-
07/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO
1 THE 1ST ADDITIONAL SUBORDINATE JUDGE, TIRUCHIRAPPALLI
2 THE 1ST ADDITIONAL DISTRICT MUNSIF, TIRUCHIRAPPALLI



C.M.P(MD)Nos.9690 & 9691 of 2023

COPY TO:

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1 THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SUB ASSISTANT REGISTRAR,
A.E.SECITON,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
C.M.P(MD)Nos.9690 & 9691 of 2023
in S.A(MD)Nos.1017 & 1018 of 2006
Date :07/08/2023

SA/VR/SAR. /10.08.2023/4P/7C

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