



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

Friday, the Seventh day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.12746 of 2022
IN
SA(MD) No.663 of 2010

R.PERUMAL (DIED)

P. ANNAIKKUTTI

... Petitioner / Appellant

Vs

1 R. INDIRANI

2 R. RAGINI

3 P. RAJU (DIED)

4 R. AYINAL (DIED)

5 R.KAMALAM

6 R.SIVARAMAN

7 R.PAULRAJ

8 R.HEMALATHA

9 R.NANDHAKUMAR

10 K.SUDHA

... Respondents / Respondents

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to excuse the delay of 43 days in filing the petition to restore the main appeal / S.A.(MD).No.663 of 2010, Which was dismissed for default on 06-07-2022.

Prayer in SA(MD). 663/ 2010 :

To prefer this memorandum of grounds of appeal against the decree and judgment dated 20.08.2008 in A.S.No.56 of 2002 on the file of the Ist Additional Subordinate Judge of Trichurappalli

<https://www.courtindia.org>



O.S.No.209 of 1995 on the file of District Munsif of thuraiyur in allowing the suit entirety with regards to all items of suit properties.

ORDER: This petition 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.R.SURESH KUMAR, Advocate for the petitioner and of not appeared for Respondents in person or through by an Advocate, the court made the following order:-

This application has been filed to condone the delay of 43 days in filing the petition to restore the appeal, which was dismissed for default on 06.07.2022.

2. When the matter came up for hearing on 19.06.2023, this Court adjourned the matter on 07.07.2023 for counter and disposal. Today, there is no representation for the respondents and they have not filed any counter.

3. Though the reasons stated in the accompanying affidavit filed in support of the petition are not satisfied, however, in order to give an opportunity to the parties to prosecute the appeal, delay of 43 days is condoned on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) towards costs before the Registry to the credit of C.M.P(MD)No.12746 of 2023, within 10 days, provided, on or before 20.07.2023 and on deposit of the same, the petition shall stand allowed, failing which, the Petition shall stand automatically dismissed without further reference to this Court.

4. List the matter on 21.07.2023 for filing compliance report.

sd/-
07/07/2023

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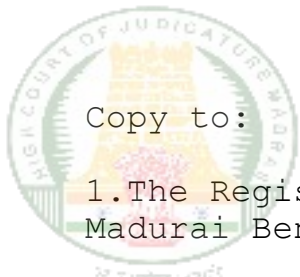
/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM

To

1. The I Additional Subordinate Judge,
Trichirappalli.

2. The District Munsif,
Thuraiyur.



Copy to:

1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

2.The Sub Assistant Registrar,
AE Section,
Madurai Bench of Madras High Court, Madurai.

3.The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

4.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CMP(MD) No.12746 of 2022
IN
SA(MD) No.663 of 2010
Date :07/07/2023

ED/BUC/SAR- (13/07/2023) 3P 7C