



CMP(MD) No.12487 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twenty Sixth day of September Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). No.12487 of 2023

in

SA No.1238 of 2003

M/s.Vellimalai Rubber Company Ltd.
Rep. by its Director
Velimalai Estate
Velimalai Post
Kanyakumari District.

... Petitioner/Appellant

Vs

The State of Tamil Nadu,
Rep. by its District Collector
Kanyakumari District.

... Respondent/Respondent

Prayer in CMP(MD). No.12487 of 2023

Petition filed under section 151 of CPC to exempt the Petitioner from paying the money at present as per order dated 25-04-2023 in numbering the application for restoration of the Second Appeal and thus render justice.

Prayer in SA No.1238 of 2003



CMP(MD) No.12487 of 2023

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 09.01.2003 made in A.S. No.55 of 2002 on the file of the Additional District Judge, Kanyakumari District , Nagercoil reversing the Judgment and Decree of the Subordinate Judge, Padmanabhapuram in O.S.No.43 of 1997 dated 14.02.2002

ORDER:- This 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 Mr.B.Ponnupandi Advocate for the Petitioner and of A.Baskaran Addl.Government Pleader for the Respondent this Court made the following order:

“This Court vide order dated 25.04.2023, dismissed the Second Appeal for default with cost of Rs.1,00,000/- and directed the Registry not to take the application to restore the appeal on file, unless the appellant deposits the cost.

2. This petition is filed by the petitioner seeking exemption from paying the above cost for the present.

3. The learned counsel appearing for the petitioner would submit that this Court has imposed a huge cost of Rs.1,00,000/- and the petitioner is not in a position to pay the same due to financial crisis. Therefore, he requested this Court to exempt the petitioner from paying the above cost for the present alone.



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4. The learned Additional Government Pleader appearing for the respondent has no objection to allow this petition.

5. Considering the submissions made by the learned counsel for the petitioner and in view of the averments in the affidavit filed in support of this petition, this petition is ordered and the petitioner is exempted from paying the cost imposed by this Court vide order dated 25.04.2023, for the present.

6. Registry is directed to number the restoration petition, if it is otherwise in order and list the matter on 06.10.2023.”

Sd/-

Assistant Registrar(C.O)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

mbi
TO

1.The Additional District Judge,
Kanyakumari District , Nagercoil,

2. The Subordinate Judge,
Padmanabhapuram



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Copy to:

1. The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.
2. The Sub. Assistant Registrar (A.E.)
Madurai Bench of Madras High Court,
Madurai.
3. The Section Officer,
Judicial Section.
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 26/09/2023

Next Date : 06/10/2023

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ORDER

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CMP(MD). No.12487 of 2023

in

SA No.1238 of 2003

Giving direction and etc.
as stated within.



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AMS/04.10.2023 5P 6C

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