



C.M.P.(MD) Nos.6382 and 6383 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.10.2023**

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CORAM:

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

C.M.P.(MD) Nos.6382 and 6383 of 2023
in
SA.(MD) SR.Nos.62124 and 62125 of 2022

Prithviraj

... Petitioner in both C.M.Ps.,

Vs.

1.The District Collector,
Having Office at Collectorate,
Madurai 625 020.

2.The Tahsildar,
Taluk Office,
Madurai Road,
Thirumangalam.

... Respondents in C.M.P.(MD) No.6382 of 2023

1.The Commissioner,
having office at
Municipal Office,
Madurai Road,
Thirumangalam 625 706.

2.The Tahsildar,
Taluk Office,
Madurai Road,
Thirumangalam.



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3.The District Collector,
Having Office at Collectorate,
Madurai 625 020.

... Respondents in C.M.P.(MD) No.6383 of 2023

COMMON PRAYER: These Miscellaneous Petitions filed under Section 5 of the Limitation Act, to condone the delay of 123 days in filing the second appeals against the judgments and decree dated 30.11.2021 made in A.S.No.24 and 25 of 2021 on the file of the Sub Judge, Thirumangalam by confirming the judgments and decree dated 29.01.2020 passed in O.S.Nos.190 of 2016 and 513 of 2008 on the file of the District Munsif Court, Thirumangalam.

PRAYER in SA.(MD) SR.Nos.62124 and 62125 of 2022: These Appeals filed under Section 100 of CPC., to set aside the judgment and decree dated 30.11.2021 passed in A.S.Nos.24 & 25 of 2021 on the file of the Sub Judge, Thirumangalam by confirming the judgment and decree dated 29.01.2020 passed in O.S.Nos.190 of 2016 and 513 of 2008 on the file of the District Munsif Court, Thirumangalam.

For Petitioner
in both C.M.Ps., : Mr.S.Prabhu
For Respondents
in both C.M.Ps., : Mr.N.Muthuvijayan
Special Government Pleader

COMMON ORDER

These Civil Miscellaneous Petitions are filed to condone the delay of 123 days in filing the above second appeals.

2.It is the submission of the learned counsel for the petitioner that after the disposal of the first appeals, due to the financial crisis, the petitioner was not able to present the appeals within time. It resulted in 123 days of delay in filing the appeals.



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3. These petitions are strongly opposed by the learned Special Government Pleader appearing for the respondents on the ground that the petitioner filed a suit for declaration of title in respect of the Government property and for the consequential relief of injunction in O.S.No.513 of 2008 and the suit in O.S.No.190 of 2016 was filed challenging the eviction notice dated 22.06.2016. Both the Courts below have concurrently found that the petitioner is not entitled for the relief. Therefore, he strongly opposes for condoning the delay.

4. It is seen from the judgments of the Courts below that the petitioner admitted that originally the suit property was enjoyed by dobies and they are not the parties in the suit. Taking this factor also, among other grounds, into consideration, the suits were dismissed. Considering the nature of the suits filed by the petitioner and the concurrent findings given by the Courts below on merits, this Court is of the view that no substantial question of law will arise for consideration in these second appeals.

5. The reasons stated for the delay in filing the appeals cannot be accepted.



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6.In the said circumstances, the delay of 123 days in filing the second appeals cannot be condoned and accordingly, these Civil Miscellaneous Petitions are dismissed. Consequently, SA.(MD) SR.Nos.62124 and 62125 of 2022 are rejected at the SR stage itself.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

30.10.2023

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To

- 1.The Subordinate Judge,
Thirumangalam.
- 2.The District Munsif Judge,
Thirumangalam.



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G.CHANDRASEKHARAN, J.

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**C.M.P.(MD) Nos.6382 and 6383 of 2023
in
SA.(MD) SR.Nos.62124 and 62125 of 2022**

30.10.2023