



C.M.P.(MD)No.9996 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.P.(MD)No.9996 of 2022
in C.M.P.(MD)No.5994 of 2022
in A.S.(MD)SR.No.21529 of 2022
and A.S.(MD)SR.No.21529 of 2022

1. P.Seethalakshmi
2. P.Sobhana
3. P.Vanitha (minor)
4. P.Balasubramanian (minor)
5. P.Malathika (minor)
6. P.Sneka (minor)

... Petitioners/Petitioners/
Appellants

(3 to 6 appellants represented by their mother
and natural guardian 1st appellant Seethalakshmi)

vs.

1. M.Muniammal
2. M.Loganathan
3. M.Manimegala
4. S.Elajjiam
- S.Thirumal (Died)



C.M.P.(MD)No.9996 of 2022

5. The Sub-Registrar,
Viralimalai, Pudukkottai District.

6. Shanmuganathan

7. Swaminthan

8. Srinivasan

9. Alamelu Mangai

... Respondents/Respondents/
Respondents

PRAYER in C.M.P.(MD)No.9996 of 2022: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 61 days in filing the restoration application in C.M.P.(MD)No.5994 of 2022 in A.S. (MD)SR.No.21529 of 2022 on the file of this Court.

PRAYER in C.M.P.(MD)No.5994 of 2022: Civil Miscellaneous Petition filed under Order 41 Rule 3A r/w Order 42 Rule 1 of CPC, to condone the delay of 1283 days in filing the first appeal as against the decree and judgment made in O.S.No.47 of 2011 on the file of Principal District Judge, Pudukkottai dated 17.07.2018.

PRAYER in A.S.(MD)SR.No.21529 of 2022: First Appeal filed under Section 96 of CPC, to set aside the decree and judgment made in O.S.No. 47 of 2011 on the file of the Principal District Judge, Pudukkottai dated 17.07.2018, by allowing this first appeal.

For Petitioners/Appellants : Mr.R.Sundar
in both cases

For R2 & R3 in both cases : Mr.G.Sridharan

For R6 to R9 in both cases : Mr.P.Ganapathi Subramanian

For R4 & R5 in both cases : No appearance



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COMMON ORDER

This Civil Miscellaneous Petition has been filed seeking orders to condone the delay of 61 days in filing the restoration application in C.M.P. (MD)No.5994 of 2022 in A.S.(MD)SR.No.21529 of 2022.

2. It is seen from the records that this Court, vide order dated 22.06.2023, has passed a conditional order directing the petitioners to take steps for the deceased first respondent, failing which, the petition will be dismissed automatically.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that they have not taken any steps till now. Hence, this civil miscellaneous petition is dismissed. Consequently, A.S.(MD)SR.No.21529 of 2022 is rejected at SR stage itself.

14.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm



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K.MURALI SHANKAR, J.

csn

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in A.S.(MD)SR.No.21529 of 2022
and
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