



CMP(MD) No.13093 of 2023

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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.13093 of 2023

IN

SA.No.1464 of 1994

SHANMUGA THEVAR (DIED),

MUNIASAMY THEVAR (DIED)

M.KANNAN

... PETITIONER/ APPELLANT

Vs

1 1.SUDALAIMUTHU NADAR(DIED)

2 P.ANNAPOO (DIED)

3.V.PUSHPAM (DIED)

4.S.VAZHAVETTI

5 S.BALRAJ,

6 PERUMAL,

7 LAKSHMI,

8 P.PONNUTHAI,

... RESPONDENTS/RESPONDENTS

9 P.MUTHUSAMY,

<https://www.mhc.tn.gov.in/judis>



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10 P.SRIRAM,
11 P.VIJAYAANAND,

12 P.JEYAKULAN,

13 L.SELVI,

14 M.NALAVATHI,

15 P.REVATHI,

... RESPONDENTS 9 TO 15/
PROPOSED RESPONDENTS 9 TO 15

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to exempt petitioner from payment of cost of Rs.22,000/- imposed by this Honourable Court by order dated 27-06-2023 in CMP(MD)No.12383 of 2022 for the present in the above Second appeal and thus render justice.

Prayer in SA No.1464 of 1994:

To prefer this memorandum of second appeal against the judgment and decree dated 25.03.1994 made in A.S.No.130 of 1992 on the file of Sub Court at Ramanathapuram, reversing the judgment and decree dated 27.11.1991 made in O.S.No.184 of 1990 on the file of the District Munsif Court, Paramakudi.

ORDER : This Civil Miscellaneous 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.A.SIVAJI, Advocate for the petitioner and of Mr.P.THIAGARAJAN, Advocate on behalf of the Respondents, the court made the following order:-

This petition is filed to exempt the petitioner from payment of cost of Rs.22,000/- imposed by this Court vide order dated 27.06.2023 in C.M.P.(MD) No.12383 of 2022 in the Second Appeal.

2. The learned counsel for the petitioner would submit that since one of the petitioner's son is suffering from Autism, the petitioner is spending huge amount for



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the medical expenses and therefore the petitioner is unable to pay the cost imposed by this Court. He would submit that unless and otherwise this petition is allowed, the petitioner's interest would be prejudiced.

3. Though the learned counsel appearing for the respondents made formal objections, he would submit that the Court may pass appropriate orders.

4. 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 27.06.2023 in C.M.P.(MD)No.12383 of 2022 in the Second Appeal.

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

sd/-
26/09/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO
1 THE SUBORDINATE JUDGE,
RAMANTHAPURAM.

2 THE DISTRICT MUNSIF,
PARAMAKUDI.

<https://www.hmc.tn.gov.in/judis>



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1 THE SUB ASSISTANT REGISTRAR
A.E.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

ORDER IN
CMP(MD) No.13093 of 2023
IN SA.No.1464 of 1994
Date :26/09/2023

SA/VRS/SAR. /29.09.2023/4P/5C

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