



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

Friday, the Twenty Third day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.10271 of 2022

IN

SA(MD) No.1217 of 2008

1 C.SELVAM @ SELVARAJ (DIED) ... /SOLE APPELLANT

2 S.ANNAKODI

3 M.NITHIA

4 S.SOBIYA

5 S.RAMYA ... PETITIONERS 2-5/
PROPOSED APPELLANTS 2-5
(LRS OF SOLE APPELLANT)

Vs

1 S.CHOKKALINGAM

2 SANTHI

3 A.MANICKAM ... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 338 days in filing the application to set aside the order dated 13-11-2019 passed by this Honourable Court in the above S.A.(MD).No.1217 of 2008, and thus render justice.

PRAYER IN SA(MD) No.1217 of 2008:

To prefer the memorandum grounds of Second Appeal as against the Judgment and Decree dated 07.12.2007 passed in A.S.No.36 of 2007 on the file of the Subordinate Judge, Devakottai confirming the judgment and decree dated 27.03.2006 passed in O.S.No.25 of 2005 on the file of District Munsif Court, Devakottai.

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.V.JANAKIRAMULU, Advocate for the petitioner, the court made the following order:-



This petition has been filed to condone the delay of _____/s in filing the petition to set aside the order dated 13.11.2019 made in SA(MD)No.1217 of 2008, which was dismissed as abated.

2. The first respondent died and hence, this petition is dismissed as abated as against the first respondent. Notice is served on the second respondent served and her name is also printed.

3. Though the reasons stated in the accompanying affidavit filed in support of this petition are not satisfied, in order to give an opportunity to the parties to prosecute the appeal, the delay of 338 days is condoned on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) towards costs before the Registry to the credit of CMP(MD)No.10271 of 2022 on or before 10.07.2023 and on deposit of the same, the petition shall stand allowed, failing which, the petition shall stand dismissed automatically without further reference to this Court.

4. List the matter on 11.07.2023 for filing compliance report.

sd/-
23/06/2023

/ TRUE COPY /

03/07/2023

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

skn

TO

1. THE SUBORDINATE JUDGE, DEVAKOTTAI

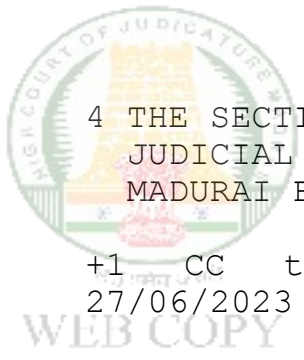
2. THE DISTRICT MUNSIF, DEVAKOTTAI.

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.



CMP(MD) N



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

+1 CC to M/s.V.JANAKIRAMULU, Advocate (SR-9738[I] dated
27/06/2023)

ORDER
IN
CMP (MD) No.10271 of 2022
IN
SA (MD) No.1217 of 2008
Date :23/06/2023

RK/VS/SAR- (03/07/2023) 3P/8C