



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Wednesday, the Thirteenth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD). No.11842 of 2022

in

CMA.No.1443 of 1996

Koilpitchai @ Devaraj

... Petitioner/ Appellant/ Accused

Vs

- 1 Nelson (Died)
- 2 Johnson(Died)
- 3 Sekar
- 4 Rajan
- 5 Densingh
- 6 Jayasingh
- 7 Arputharaj
- 8 Jamesraj
- 9 Duraisingh
- 10 Jothi
- 11 Jayarani
- 12 Monahari
- 13 Thiraviam Ammal,(Died).
- 14 J.Ponmani
- 15 J.Anburaja
- 16 J.Suresh Babu
- 17 Anglea(Died)
- 18 B.Jayamary Nirmala
- 19 N.Rajakumar,



20 N.Jayakumar,

21 Sulochana Jeyaraj

22 Regina

23 John

24 Helan Grade Jerin

... Respondents

(R9 to R12 are Set Exparte Before the Lower Court Notice Dispensed With in the CMA)

(R14 to R16 are brought on record as the Lrs., of the deceased 2nd respondent,

(R17 to R20 are brought on record as the Lrs., of the deceased 1st respondent, and

(R21 to R24 are brought on record as the Lrs., of the deceased R13 vide Court order dated 05.01.2017 made in MP(MD)Nos.2 to 10 of 2013 in CMA.No.1443 of 1996)

Prayer :-

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act, Pleaded to Condone the delay of 80 days in filing the restore petition in C.M.A.No.1443 of 1996 and thus render justice.

Prayer in CMA.No.1443 of 1996:

This Civil Miscellaneous Appeal is filed under Section 299 of Indian Succession Act r/w Section 96 of Code of Civil Procedure to set aside the judgment and decree of the learned Additional Subordinate Judge, Tirunelveli passed in O.P.No.104 of 1991, dated 27.06.1996.

ORDER:- This Revision/ Appeal 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 None appeared either in person or by an advocate for the petitioner and of Mr.N.Dilipkumar, Advocate for the 23rd respondent, this Court made the following order:



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“Since there was no representation for the petitioner on 21.08.2023 and then to 31.08.2023, the matter was directed to be posted under the caption 'for dismissal'. Even today, there is no representation for the petitioner. Batta not paid. Hence, this petition is dismissed for default. “

Sd/-

Assistant Registrar(CS III)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

TO

The Additional Subordinate Judge, Tirunelveli.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.N.Dilipkumar, Advocate SR.No.42775



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ORDER DATED : 13/09/2023

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ORDER

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CMP(MD). No.11842 of 2022
in
CMA.No.1443 of 1996

Giving direction and etc.
as stated within.

MK/29.09.2023 4P 4C

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