



CMP(MD) No.13182 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Twenty Ninth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD) No.13182 of 2023

IN

SA No.1343 of 2000

V.GANDHI

... PETITIONER/ APPELLANT

Vs

1. PERIANNAN (DIED)

2. N.MENAKA

3 R.KESAVAN

... RESPONDENTS 2 & 3/RESPONDENTS 2 & 3

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 the petitioner from paying the money at present as per order dated 25.04.2023 in numbering the application for restoration in SA.No.1343 of 2000, on the file of this Honourable Court.

Prayer in S.A.No.1343 of 2000 :

To set aside the decree of judgment dated 11.11.1999, rendered in A.S.No.62 of 1997, on the file of the Second Additional Subordinate Judge, Madurai, confirming the decree and judgment dated 12.11.1996 rendered in O.S.No.32 of 1989 on the file of the District Munsif of Melur by allowing this Second Appeal and to grant such other relief or reliefs that this Hon'ble Court.

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 MS.P.JESSI JEEVA PRIYA, Advocate for the petitioner and of M/S.L.SHAJI CHELLAN, Advocate on behalf of the 3rd Respondent, the court made the following order:-

<https://www.mhc.tn.gov.in/judis> This petition is filed to exempt the petitioner from paying the money at present



CMP(MD) No.13182 of 2023

as per order dated 25.04.2023 in numbering the application for restoration in the
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above second appeal.

2. The learned counsel appearing for the petitioner would submit that on 25.04.2023 the above second appeal was dismissed for default with costs of Rs.1,00,000/-. In the above said order, this Court has observed that in case the appellant has filed any application to restore the appeal, the Registry is directed not to take the application on the file unless the appellant deposits the said amount of cost ordered by this Court. The learned counsel would further submit that the applicant is aged about 70 years and he is not in a position to mobilize the said amount. The value of the suit is Rs.700/- only. The cost amount is the more than the value of the suit. Hence, the learned counsel expressed his inability to pay the costs and prays for allowing this petition.

3. Considering the request of the petitioner and also in the interest of justice, this Court is inclined to allow this petition. Accordingly, this petition is ordered as prayed for.

sd/-
29/09/2023

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/10/2023

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



CMP(MD) No.13182 of 2023

TO செய்து அளித்தல்

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1 THE II ADDITIONAL SUBORDINATE JUDGE, MADURAI.

2 THE DISTRICT MUNSIF, MELUR.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-14512[I] dated 03/10/2023)

ORDER

IN

CMP(MD) No.13182 of 2023

IN

SA No.1343 of 2000

Date :29/09/2023

RS/VRS/SAR-(10.10.2023) 3P 4C

Madurai Bench of Madras High Court is issuing
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