

**C.M.P.Nos. 11939 of 2024 & 16182 of 2005****in****S.A. No. 1172 of 2005****T.V. THAMILSELVI, J.**

This Civil Miscellaneous Petition has been filed to condone the delay of 242 days in recalling the judgment and decree dated 07.09.2023 in S.A.No.1172 of 2005.

2. Mr.S.A.Shanmugam, learned counsel for petitioner submitted that without impleading the legal heirs, the respondents have obtained the order from this court and he came to know during last week, there was a delay of 243 days in recalling the judgment and decree, since because the suit was decreed and the first appeal was dismissed for not taking steps to implead the legal heirs. Hence, he wanted to establish his contentions and prayed to condone the delay in recalling the judgment and decree passed in the above Second Appeal.

3. Both the learned Addl. Government Pleader appearing for respondents 1 and 2 and learned counsel for 3rd respondent appeared and they have raised objections and submitted that he has falsely represented the facts before this court.



4. Considering the facts and circumstances and on considering the reasons stated by the petitioner in the affidavit seems to be justifiable one, to give one more opportunity to the petitioner, this court is inclined to allow this petition.

5. Post the matter on 27.06.2024.

6. Till then, there shall be an order of interim stay of all further proceedings in pursuant to passing of judgment and decree in A.S.No.64 of 2003 on the file of District Judge, Nagapattinam, confirming the judgment and decree passed in O.S.No. 156 of 2001 on the file of Addl. Subordinate Judge, Mayiladuthurai.

19.06.2024

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3

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