



C.M.P.No.23177 of 2023

in

A.S.No.70191 of 2022

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in

A.S.S.R.No.70191 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

C.M.P.No.23177 of 2023 is filed by the Petitioner to condone the delay of 2811 days in filing the Appeal. Therefore before ordering notice, this Court had called for remarks from the learned XIX Additional Judge, City Civil Court, Chennai.

2. As per the report received from the learned XIX Additional Judge, City Civil Court, Chennai in letter in Dis.No.228/2024 dated 04.09.2024, in continuation of the preliminary decree passed, the Plaintiff as decree holder had filed petition for final decree and final decree was also passed.

3. The Appellant herein had filed I.A.No.2 of 2023 to set aside the exparte decree under Order IX Rule 13 of C.P.C and also filed stay petition in I.A.No.1 of 2023. Both petitions were heard and were dismissed as per order dated 21.06.2024. Decree has been passed in I.A and in continuation of the



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final decree, E.P.No.5303 of 2022 was filed and after recording delivery of possession, E.P.No.5303 of 2022 in O.S.No.4971 of 2013 was terminated by learned IX Assistant Judge, City Civil Court, Chennai. Therefore, by filing this petition, no purpose will be served. Therefore, this Civil Miscellaneous Petition is dismissed.

11.09.2024

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