



C.M.P. (MD) No. 704 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.M.P. (MD) Nos. 704, 5524 & 5520 of 2024

in

C.R.P (MD) SR No.721 of 2024

Latha

... Petitioner/

Plaintiff

-VS-

1.S.V.V.Aandi Ambalam
2.A.Rajendran
3.Thaniasaru
4.Ravi
5.Thangasamy
6.Ramamoorthi
7.Ramu
8.A.Gnanathangam
9.A.Ilavarasan
10.B.Muthu
11.A.M.K.Rajendran
12.Chinnakannu
13.Palaniammal

... Respondents/
1 to 13 Defendants

PRAYER in C.M.P. (MD) No. 704 of 2024: Petition filed under Section 5 of the Limitation Act to condone the delay of 535 days in filing the civil revision petition against the fair and decretal order passed by the learned Subordinate Judge, Melur in I.A.No.40 of 2019 in O.S.No.701 of 2008 dated 10.11.2020 and allow this civil revision petition.



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PRAYER in C.R.P. (MD) No. SR 721 of 2024: Petition filed under Section 115 of the Code of Civil Procedure, 1908 to set aside the fair and decreetal order passed by the learned Subordinate Judge, Melur in I.A.No.40 of 2019 in O.S.No.701 of 2008 dated 10.11.2020 and allow this civil revision petition.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.V.Dinesh Kumar for R5

Mr.S.A.Ajmal Khan for R2

R7 & R11 – Died

R1, R8, R10, R13 – No appearance

ORDER

Even though the C.M.P. (MD) Nos.5520 of 2024, 5522 to 5526 of 2024 are listed today for the purpose of setting aside abatement, condonation of delay and bringing on record of the legal heirs of the deceased Respondent Nos.7 and 11 and it is also mentioned that the Respondent No.1 is also since deceased, however, legal heirs are on record.

2. This Court considered the main application in C.M.P. (MD) No.704 of 2024, which is pending to condone the delay of 535 days in filing this Civil Revision Petition. The Civil Revision Petition is filed as against the order dated 10.11.2020 passed in I.A.No.40 of 2019 in O.S.No.701 of 2008. The said



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O.S.No.701 of 2008 was dismissed for default on 28.07.2017. To restore the same, the above I.A.No.40 of 2019 was filed to to condone the delay of 555 days in filing the restore application. For both delays, the reason which is mentioned is that the petitioner was suffering from jaundice and was taking native treatment. The applications themselves and the reasons mentioned therein would itself speak for themselves.

3. Therefore, this Court cannot permit the petitioner to resurrect stale matters which are allowed to be dismissed for default by her reckless and careless attitude and accordingly, the C.M.P. (MD) No.704 of 2024 shall stand dismissed and the other applications shall stand rejected as unnecessary. No costs.

18.07.2024

NCC : No

PKN
To

1. The Sub-Court, Melur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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