



SA.No.1544 of 2003

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD)Nos.8199 & 8200 of 2005

in

SA.No.1544 of 2003

1.M.R.Thomas

2.M.R.T.Packiam Ammal

3.Amuthakalaiselvi

4.Ranimary

5.Perinbum

... Petitioners/ Appellants in both cases

Vs

1.C.Vijayalakshmi

2.P.Muthu Ammal

3.Rathinasabapathy

4.Sakthivel

5.Subramani

6.S.Valliammal

7.Periyaswamy

... Respondents/ Respondents in both cases

Prayer CMP(MD)No.8199 of 2005 :- Civil Miscellaneous Petition filed 5 of Limitation Act of C.P.C., to condone the delay of 201 days in filing the above CMP to set aside the order dated 19.04.2005 made in SA.1544 of 2003.

Prayer CMP(MD)No.8200 of 2005 :- Civil Miscellaneous Petition filed Order 41 Rule 19 C.P.C., to set aside the order dated 19.04.2005 made in SA.1544 of 2003 and to restore the above SA in so far as the respondents 2 to 4 concerned and thus render justice.

Prayer in SA.No.1544 of 2003:- Second Appeal filed under Section 100 of C.P.C., to set aside the Judgment and Decree dated 20.07.2001 made in A.S.No.8 of 2000 with Cross Objection on the file of the Sub Court, Sankarankoil, confirming the Judgment



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and Decree dated 03.09.1997 made in O.S.No.280 of 1990 on the file of Principal District Munsif Court, Sankarankoil.

ORDER:- These Civil Miscellaneous Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and none have appeared on behalf of Petitioners as well as the respondent either in person or by Advocate, this Court made the following order:-

These applications have been filed as early as in the year 2005 seeking to recall the order, dated 19.04.2005 passed by this Court as against the respondents 2 to 4 and seeking to condone the delay of 201 days in filing the said applications.

2. No counter affidavit filed by the respondents.

3. In the circumstances, the averments made in the applications also remain in controverted and almost two decades are over from the date of filing of the Second Appeal.

4. In the circumstances, for the reasons assigned in the application to condone the delay, the delay of 201 days is condoned and the docket order, dated 19.04.2005



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passed by this Court is set aside and the appeal is restored against the respondents 2 to 4.

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5. Accordingly, these petitions are allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS-I,II,III,IV)

TO

1.The Subordinate Judge,
Sankarankoil.

2.The Principal District Munsif,
Sankarankoil.

Copy to:

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



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ORDER DATED : 06/02/2024

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ORDER

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CMP(MD)Nos.8199 & 8200 of 2005

in

SA.No.1544 of 2003

Giving direction and etc.
as stated within.

KB(12.02.2024) 4P 4C