



C.M.P.(MD)No.848 of 2024
in S.A.(MD)S.R.No.2377 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.M.P.(MD)No.848 of 2024
in S.A.(MD)S.R.No.2377 of 2024

1.Bhagavathi

2.Babu

...Petitioners

vs.

Mekaraj

...Respondent

Prayer in C.M.P.(MD)No.848 of 2024: Civil Miscellaneous Petition filed under Section 5 of Limitation Act praying to condone the delay of 589 days in preferring the appeal.

Prayer in S.A.(MD)S.R.No.2377 of 2024: Second Appeal filed under Section 100 of the Civil Procedure Code praying to call for the records and set aside the Judgement and decree dated 25.08.2021 in A.S.No.65 of 2019 on the file of the Principal District Court, Kanyakumari at Nagercoil confirming the Judgement and Decree dated 29.01.2018 in O.S.No.268 of 2014 on the file of the II Additional Subordinate Court, Nagercoil and allow this Second Appeal.



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For Petitioners : No appearance

For Respondents : Mr.S.Sureshkumar

J U D G E M E N T

When the matter is taken up for hearing today, there is no representation for the petitioners / appellants.

2. The learned counsel appearing for the respondent would submit that the respondent is the plaintiff and the suit was decreed in favour of the respondent. The Appeal Suit filed by the petitioners / appellants was dismissed. Execution Petition was also filed, in which, possession was handed over to the respondent.

3. The Second Appeal is filed against the concurrent Judgement and Decree. According to the learned counsel for the respondent possession itself has been handed over to the respondent. The same might be the reason that the petitioners / appellants have not chosen to prosecute the condone delay application and the appeal. In view of the same, the Civil Miscellaneous Petition is dismissed for non-prosecution.



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Consequently, the Second Appeal is rejected in the SR stage itself. No costs.

22.11.2024

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

1.The Principal District Court, Kanyakumari at Nagercoil

2.The II Additional Subordinate Court, Nagercoil



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KRISHNAN RAMASAMY, J.

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