



CMP(MD) No.1553 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Eighth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD) Nos.1553 & 1554 of 2024

in

CMSA(MD) Nos.37 & 38 of 2016

IN CMP(MD).1553/2024 :

1 AVUDAIAMMAL (DIED)

... 1ST APPELLANT IN MAIN CMSA

2 KANI

3 KANNAN

4 ESAKKI PANDI

5 MUTHUMARI

... 2 TO 4 PETITIONERS/2 TO 5 APPELLANTS

Vs

1 KAVITHA @ THADANI

REP.THROUGH HER POWER AGENT,

SRI TORRANCE FERNANDO (DIED ON 25.10.2016)

... 1ST RESPONDENT/1ST RESPONDENT

2 MURUGANANTHA VELAR

3 SARAVANAN

... 2ND & 3RD RESPONDENT/2ND & 3RD RESPONDENTS

Prayer in CMP(MD).1553/2024 :

To condone the delay of 936 days in filing the petition to set aside the dismissal order dated 26.06.2019 as far as 1st respondent herein / plaintiff is concerned.



CMP(MD) No.1553 of 2024

Prayer in CMSA(MD)No.37/2016 :

To set-aside the Judgment and decree dated 19.09.2016 passed in C.M.A.No.23 of 2016 on the file of the IV Additional District Court, Tirunelveli confirming the fair order and decreetal order dated 29.04.2016 passed in E.A.No.22 of 2014 in E.P.No.52 of 2003 in O.S.No.91 of 1987 on the file of Subordinate Court, Ambasamudram by allowing this Civil Miscellaneous Second Appeal.

IN CMP(MD).1554/2024 :

SARASWATHY

... APPELLANT/APPELLANT/PETITIONER
/OBJECTOR/3RD PARTY

VS

1 KAVITHA @ THADANI

REP THROUGH HER POWER AGENT,

SRI TORRANCE FERNANDO

... 1ST RESPONDENT/1ST RESPONDENT
/1ST RESPONDENT/DECREE HOLDER/PLAINTIFF

2 MURUGANANTHA VELAR

... 2ND RESPONDENT/2ND RESPONDENT
/2ND RESPONDENT/JUDGMENT DEBTOR/DEFENDANT

(2ND RESPONDENT HEREIN WAS SET EXPARTE
BEFORE COURTS BELOW HENCE SERVICE OF
NOTICE MAY BE DISPENSED WITH)

Prayer in CMP(MD).1554/2024 :

To condone the delay of 936 days in filing the petition to set aside the dismissal order dated 26.06.2019 as far as 1st respondent herein / plaintiff is concerned.

Prayer in CMSA(MD)No.38/2016 :

To set-aside the Judgment and decree dated 19.09.2016 passed in C.M.A.No.24 of 2016 on the file of the IV Additional District Court, Tirunelveli confirming the fair order and decreetal order dated 29.04.2016 passed in E.A.No.50 of 2015 in E.P.No.52 of 2003 in O.S.No.91 of 1987 on the file of Subordinate Court, Ambasamudram by allowing this Civil Miscellaneous Second Appeal.

COMMON ORDER : These Civil Miscellaneous Petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.D.NALLATHAMBI, Advocate for the petitioner



CMP(MD) No.1553 of 2024

in both CMP's and none appeared either in person or by an advocate on behalf of the 1st Respondent in both CMP's, the court made the following order:-

These Petitions are filed to condone the delay of 936 days in filing these petitions to set aside the dismissal order, dated 26.06.2019 as far as the 1st respondent herein/plaintiff is concerned.

2. Heard. Perused the materials available on record.

3. This Court issued notice to the respondents. Notice issued to the 1st respondent through Court is awaited, however, private notice issued by the appellant is shows that the item was received as per consignment track. As far as the 3rd respondent is concerned, notice was already dispensed with, since both of them remained exparte before the Tribunal. Therefore, service is completed. Since service is completed, delay is condoned.

4. Accordingly, these petitions are allowed on payment of cost.

5. These petitions are allowed on condition that the petitioner shall pay the cost of Rs.1,000/-each, (Rupees Two Thousand only) to the credit of Women Advocates Association, Madurai Bench of Madras High Court (Account No:6477041768, IFSC Code:- IDIB00H040, Indian Bank, High Court Branch, Madurai) for the purpose of maintaining Creche within a period of Four weeks from the date of receipt of a copy of this order.

6. On such payment being made, Registry is directed to number these appeals,



CMP(MD) No.1553 of 2024

if it is otherwise in order and list it for admission.

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sd/-
08/04/2024

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/04/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KSA

TO

- 1 THE IV ADDITIONAL DISTRICT JUDGE, TIRUNELVELI.
- 2 THE SUBORDINATE JUDGE, AMBASAMUDRAM.

COPY TO

- 1 THE SUB ASSISTANT REGISTRAR, A.E.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE OFFICER INCHARGE, WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) Nos.1553 & 1554 of 2024
in CMSA(MD) Nos.37 & 38 of 2016
Date :08/04/2024

RS/JGB/SAR-(15.04.2024) 4P 6C
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