



CMP(MD). No.1638 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Sixteenth day of May Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CMP(MD). No.1638 of 2024

in

S.A(MD)No.590 of 2013

- 1.Alamelu
- 2.Solaimalai
- 3.Bhuvaneswari
- 4.Periyanayaki
- 5.Packiyasali
- 6.Saroja

... Petitioners/ Appellants

Vs

1 Suresh

2 Somu

3 Solaimuthu

... Respondents/ Respondents

Prayer in CMP(MD). 1638/ 2024 :

This Civil Miscellaneous Petition filed under section 151 of Civil Procedure Code pleaded to modify the judgment and decree dated 29-11-2023 and extent the period the delivery of possession two months today (29-11-2023) to three months from the dated of receipt of the copy of the judgment and decree in the above second appeal in S.A.(MD).No.590 of 2013 and pass such further or other order as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.



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Prayer in SA(MD). 590/ 2013 :

This Second Appeal is filed under section 100 of the Civil Procedure Code, against the judgment and decree dated.17.09.2001 made in A.S.No.11 of 2001 on the file of the Subordinate Judge, Devakottai, confirming the judgment and decree dated.27.04.2001 made in O.S.No.74 of 1999 on the file of the District Munsif cum Judicial Magistrate, Karaikudi.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.I.Velpradeep, Advocate for the Petitioners/ Appellants and of Thiru.R.Sundar Srinivasan, Advocate for the Respondents, this Court made the following order:

“The legal heirs of the deceased Mariappa Nadar (sole defendant) have filed this petition to extend the period of delivery of possession for three months from the date of receipt of a copy of the judgment.

2. On behalf of the petitioners, it is submitted that their father/husband, Mariappa Nadar filed suit in O.S.No.74 of 1999 was dismissed on 27.04.2001. Aggrieved, Mariappa Nadar preferred first appeal in A.S.No.11 of 2001 before the Sub-Court, Devakottai and the same was also dismissed. The second appeal was preferred before this Court in S.A.(MD).No.590 of 2013, was dismissed by this Court by judgment and decree dated 29.11.2023 granting two months time for delivery of possession from the date of judgment.



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3. As the certified copy was delivered to the petitioners on 30.01.2024, hence, this petition.

4. The learned counsel appearing for the respondents would vehemently object for extending time for delivery of possession by stating that originally suit was filed in the year 1999 and after the concurrent findings of dismissal of the suit and appeal, still the property is with the legal heirs of Mariappa Nadar.

5. It appears that the certified copy of the judgment was delivered to the appellants on 30.01.2024. Therefore, in the facts and circumstances, for delivery of possession, a further period of one month is extended from the date of receipt of copy of this Order.

6. Accordingly, this petition is ordered."

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/06/2024

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

DB



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To

1.The subordinate Judge, Devakottai.

2.The District Munsif cum Judicial Magistrate, Karaikudi.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-24437[F]
dated 17/05/2024)

ORDER DATED : 16/05/2024

ORDER

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in
S.A(MD)No.590 of 2013

SI-(06.06.2024) 4P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.