



C.M.P(MD)No.2478 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**C.M.P(MD)No.2478 of 2020
and
AS(MD)No.SR85388 of 2019**

1.Lakshmanan
2.J.Thangamani
3.J.Sethupati
4.J.Kanmani

... Petitioners/Appellants

Vs

R.Krishnammal (Died)

1.Ramasamy
2.Alagesan
3.Anbu
4.Muthukumar
5.Solaikumar
6.Krishnaveni
7.P.Anantharaj
8.A.Aathi Priya
9.A.Akila
10.Thilaka

11.Minor A.Aathi
[Rep. by his father and natural guardian, the 7th respondent herein]

12.Gopalammal
13.R.Maheswari



C.M.P(MD)No.2478 of 2020

14.V.Santhi
15.M.Ramesh
16.Jeyanthi
17.Ramesh
18.Rajagopal

...Respondents/Respondents

PRAYER in C.M.P.(MD)No.2478 of 2020:-

This Petition is filed under Order 41 Rule 3(A) of CPC r/w Section 5 of the Limitation Act to condone the delay of 148 days in filing the above appeal.

PRAYER in A.S(MD)SR.No.7064 of 2021

This Appeal Suit is filed under Section 96 of the Code of Civil Procedure, to set aside the Judgment and Decree dated 27.02.2019 passed in O.S.No.147 of 2012 on the file of the VI Additional District Judge, Madurai.

For Petitioners : Mr.M.Saravanan

For Respondents : Ms.P.Bhuvaneswari

17 & 18

ORDER

[Order of the Court was made by RMT.TEEKAA RAMAN, J.]

This petition is filed to condone the delay in filing the appeal against the partition suit. The partition suit was partly decreed by an order dated 27.02.2019 passed in O.S.No.147 of 2012 on the file of the VI Additional District Judge, Madurai. Now the respondents submitted that pending numbering of the appeal,



C.M.P(MD)No.2478 of 2020

there is a subsequent development, whereby the contesting appellants, Lakshmanan and others have executed a release deed in favour of one Ramasamy and others on 19.07.2004 and 23.07.2022 and for ascertaining the above said statement, this Court adjourned the case and gave an opportunity to the learned counsel for the petitioners. Today, the learned counsel for the petitioners/appellants seeks further time.

2.Taking note of the fact that these are all registered documents and the release deed has been executed, we find that there is nothing survives in the appeal itself. Hence, this Civil Miscellaneous Petition is dismissed. Consequently, AS(MD)No.SR85388 of 2019 is rejected at the SR stage itself. If the petitioners/appellants feel that the release deed is not in terms of the law or in accordance with law, it is always open to them to reopen the civil miscellaneous petition. No costs.

[T.K.R., J.] [N.S., J.]

13.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.M.P(MD)No.2478 of 2020

To

- 1.The VI Additional District Judge, Madurai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.P(MD)No.2478 of 2020

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and
N.SENTHILKUMAR, J.

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C.M.P(MD)No.2478 of 2020
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13.12.2024