



CMP(MD) No.5787 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fourteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.P.(MD)No.5787 of 2024
in
S.A.(MD)SR.No.23941 of 2024

GURU RAJAMMAL

... Petitioner / Appellant

Vs

1 RAJA BAGADUR

MADKKARUPPI (DIED)
SANKARAVADAI (DIED)
VASUDEVI (DIED)

2 MAHALAKSHMI

3 ANANDAGOPAL

4 POORANIYAMMAL

5 GEETHANJALI

... Respondents/ Respondents

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Condone the Delay of 119 days in filing the Second Appeal and thus render justice.

PRAYER IN S.A.(MD)SR.No.23941 of 2024

To set aside judgement and decree passed in A.S.No.28 of 2018 dated

<https://www.mhc.tn.gov.in/judis>



CMP(MD) No.5787 of 2024

05-08-2023 on the file of Sub-Court, Aruppukkottai confirming the judgement and decree passed in O.S.No.348 of 2004 dated 09-08-2011 on the file of the District Munsif Court, Aruppukkottai.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.H.ARUMUGAM, Advocate for the petitioner, the Court made the following order:-

This petition is filed to condone the delay of 119 days in filing the above appeal.

2.The first respondent has been served and he is represented through the learned counsel.

3.The respondents 3 to 5 have been served and their names are also printed in the cause list.

4.The notice sent to the second respondent had been returned as 'unclaimed'. This shows that the second respondent had deliberately refused to accept the notice as she is not interested in contesting the case. Hence, the service of notice on the second respondent is held sufficient.

5.The learned counsel for the petitioner submits that the copy of the judgment of the trial Court was misplaced. Hence, the petitioner was not in a position to file the appeal in time.

6.This Court has heard the learned counsel for the petitioner and perused the reasons assigned in the affidavit filed in support of this miscellaneous petition.



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7. Since the reasons stated in the affidavit appear to be genuine and in the interest of justice, this petition is ordered and the delay is condoned.

8. Registry is directed to number the appeal, if it is otherwise in order and list it for admission in the usual course.

sd/-
14/11/2024

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/ 12 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TA

TO

- 1 The Judge, Sub-Court, Aruppukkottai
2. The Judge, District Munsif Court, Aruppukkottai

Copy to:

1. The Sub Assistant Registrar (AE Section),
Madurai Bench of Madras High Court,
Madurai.
2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.



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ORDER
IN
C.M.P.(MD)No.5787 of 2024
in
S.A.(MD)SR.No.23941 of 2024
Date :14/11/2024

PSP/ VR /SAR /02.12.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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