



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.P(MD)No. 12917 of 2022

and

S.A(MD)SR.No.12710 of 2022

1. Parveen Begum
Abdul Suban [Died]
2. A. Siththikka
3. A. Pathurun
4. A. Banu
5. A. Abdul Kadar
6. Sabiyullah
Abdul Saththar [Died]
7. A.S. Mohammed Aslam,

... Petitioners

Vs.

1. Sheik Kabeer
2. Trichirappalli Corporation,
Represented by its Commissioner,
Kadhi Road,
Srirangam,
Trichirappalli – 6

... Respondents

PRAYER in C.M.P(MD)No.12917 of 2022: Civil Miscellaneous Petition is filed to condone the delay of 844 days in filing the second appeal against the Judgment and Decree 24.08.2017 passed in A.S.No. 191 of 2009 on the file of the Learned Principal Sub Court, Tirchirappalli confirming the Judgment and Decree, dated 23.10.2009 passed in O.S.No. 954 of 2003 on the file of the Learned I Additional District Munsif Court, Trichirappali.



PRAYER S.A(MD)SR.No.12710 of 2022: Second Appeal is filed under Section 100 of Civil Procedure Code against the Judgment and Decree 24.08.2017 passed in A.S.No. 191 of 2009 on the file of the Learned Principal Sub Court, Tirchirappalli, confirming the Judgment and Decree, dated 23.10.2009 passed in O.S.No.954 of 2003 on the file of the Learned I Additional District Munsif Court, Trichirappali.

For Petitioners : No appearance

For R-1 : Mr.S.Karthik

JUDGEMENT

This Petition is filed to condone the delay of 844 days in filing the second appeal.

2. This Court vide Order, dated, 04.01.2024, has passed conditional order. The same is extracted hereunder:

.....

“4. This petition is allowed on condition that the petitioners shall pay the cost of Rs.2,000/- (Rupees Two Thousand only) to the credit of District Siddha Medical Officer, CCRI, Periyakulam (A/c.No.10767823177, IFSC Code:SBIN0000898, State Bank of India, Periyakulam Branch) within a period of one week from the date of receipt of a copy of this order.”

3. Today (i.e., on 02.02.2024), when the matter is taken up for hearing, there is no appearance on the side of the petitioners and the conditional order is not complied with.



4. Accordingly, this Civil Miscellaneous Petition is dismissed and the Second Appeal is also dismissed in the S.R. stage itself. No Costs.

02.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Principal Sub Court,
Tirchirappalli.
2. The I Additional District Munsif Court,
Trichirappali.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

**Order made in
C.M.P(MD)No. 12917 of 2022
and
S.A(MD)SR.No.12710 of 2022**

02.02.2024