



CMP(MD)Nos.5859 & 15341 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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

PRESENT

The HONOURABLE MR. JUSTICE V. SIVAGNANAM

CMP(MD). Nos.5859 & 15341 of 2024

in

S.A.No1613 of 2004

1. Krishnan
2. Thangavel
3. Chandran

... Petitioners/ Appellants (in both the petitions)

Vs

Joint Family by its
Manager Pandian
S/o. Ramasamy Gounder,
Senabadi, Nerur North Village,
Karur.

..Respondent/Respondent (in both the petitions)

Prayer :-

Civil Miscellaneous Petition filed under section 5 of Limitation Act Condone the delay of 23 days in filing the petition to restore the Second Appeal SA No.1613/2004 before this Honourable Court which was dismissed as abated on 08.02.2024.

Prayer in CMP(MD).No.15341 of 2024:-

Civil Miscellaneous Petition filed under section 41 Rule 19 r/w.151 of C.P.C. To restore the Second Appeal in S.A.No.1613 of 2004 before this Honourable Court which was dismissed as abated on 08.02.2024.



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Prayer in S.A No.1613 of 2004:-

Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 12.01.2004 made in A.S.No.44 of 2003 on the file the District Court, Karur, confirming the judgment and decree dated 20.04.2001 made in O.S.No.1999 of 1998 on the file of the Principal District Munsif Court, Karur.

ORDER:- These Petitions 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 Mr. PT.S. Narendravasan, Advocate for the Petitioners in both the petitions, this Court made the following order:

"C.M.P(MD)Nos.5859 of 2024 has been filed seeking to condone the delay of 23 days in filing the application to restore the Second Appeal in S.A.No.1613 of 2004 which was dismissed as abated on 08.02.2024. C.M.P(MD) Nos.15341 of 2024 has been filed seeking to restore the Second Appeal in S.A.No.1613 of 2004 which was dismissed as abated on 08.02.2024.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. For the reasons assigned in Paragraph Nos.3 and 4 of the accompanying affidavit and on being satisfied with the same, this Petition is ordered and the delay of 23 days in filing the above application to restore the above Second Appeal, which was dismissed for default on 08.02.2024 is condoned.



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Accordingly, these petitions are allowed.

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4. Registry is directed to restore the second appeal on file and list the appeal on 09.12.2024 for final hearing."

Sd/-

Assistant Registrar (CS.III)

// True Copy //

/12/2024

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

RM

TO

1. The District Judge,
Karur.
2. The Principal District Munsif,
Karur.

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai
2. The Section Officer,
VR Section,
Madurai Bench Of Madras High Court,
Madurai.



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CMP(MD)Nos.5859 & 15341 of 2024

ORDER DATED : 21/11/2024

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ORDER

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CMP(MD). Nos.5859 & 15341 of 2024
in
S.A.No1613 of 2004

Giving direction and etc.
as stated within.

SL(05.12.2024)/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.