



CMP(MD) No.9247 of 2024

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

Tuesday, the Twenty Fourth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.9247 of 2024

IN

CMP(MD) No.10971 of 2022

IN

SA No.1165 of 1998

DURASAMY GOUNDER

... PETITIONER/PETITIONER/ APPELLANT

Vs

1 JAYAM

2 M.BASKAR

3 M.SUMATHI

4 M.JEEVA

5 M.SHANTHI

... RESPONDENTS/RESPONDENTS/RESPONDENTS

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 212 days in Representing this civil miscellaneous petition in CMP(MD)SRNo.80170 and 80171 of 2023 in CMP(MD)No.10971 of 2022.

Prayer in CMP(MD)SR.80170/2023 :

To condone the delay of 93 days in filing application to restore CMP(MD). 10971/2022.

Prayer in CMP(MD)SR.80171/2023 :

To restore CMP(MD).10971/2022 to the file of this Hon'ble Court by setting aside the order of dismissal dated 19.06.2023.



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Prayer in CMP(MD). 10971/ 2022 :

To restore the Second Appeal in S.A.No.1165 of 1998 by setting aside the order of dismissal dated 23-02-2016 and decide the matter on merits.

Prayer in SA.1165/1998 :

To prefer this Memorandum of Grounds of Second Appeal against the Judgment and Decree passed by the Learned District Judge, Trichirapalli in A.S.No.123/96 dated 24.12.1997 allowing the appeal and dismissing the decree and Judgment passed by the Learned Sub Ordinate Judge of Trichirapalli in O.S.No.748/1989 dated 19.03.1996.

ORDER : This 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.C.GOBINAATH, Advocate for the petitioner, the court made the following order:-

This application has been filed seeking to condone the delay of 212 days in re-presenting the papers in C.M.P(MD)SR.No.80170 and 80171 of 2023 in C.M.P(MD) No.10971 of 2022.

2.Heard the learned counsel appearing for the petitioner.

3.Considering the reasons assigned in the affidavit filed in support of the application, this application is allowed and the delay of 212 days is condoned on condition that the petitioner pays a sum of Rs.500/- (Rupees Five Hundred only) in the name of Women Advocates Association, Madurai Bench of Madras High Court (Account No.6477041768, IFSC Code No.IDIB00H040, Indian Bank, High Court Branch, Madurai) for the purpose of maintaining Creche located in the campus of the Madurai Bench of Madras High Court, within a period of two weeks from today,



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failing which, the petition shall stand dismissed automatically without further
reference of this Court.

4.Post the matter after two weeks.

sd/-
24/09/2024

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/10/2024

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

TO

1 THE DISTRICT JUDGE, TRICHY.

2 THE SUBORDINATE JUDGE, TRICHY.

COPY TO

THE OFFICER INCHARGE, WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CMP(MD) No.9247 of 2024
IN
CMP(MD) No.10971 of 2022
IN
SA No.1165 of 1998
Date :24/09/2024

RS/VR/SAR-(10.10.2024) 3P 4C

Madurai Bench of Madras High Court is issuing
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