



CMP(MD)No.6662 of 2024

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

Tuesday, the Thirteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD)No.6662 of 2024
in
SA(MD) SR No.31885 of 2024

A.K.S.PALKEES BEEVI (DIED)

1 H.AKBAR ALI

2 A.THASLIM FATHIMA

3 A.ASPAR YASMIN

4 A.PAYAS ALI

5 A.AJITHPRAS ALI

... PETITIONERS/ APPELLANTS

(SINCE THE 1ST APPELLANT WAS DIED,
THE APPELLANT 2 TO 6 ARE IMPEADED
AS PER ORDER IN I.A.NO.2 OF 2018 DATED
17.12.2019 AND APPEAL WAS AMENDED
AS PER ORDER IN I.A.NO.5 OF 2020 DATED
21.02.2020)

Vs

K.M.S.SYBUNNISHA

... RESPONDENT/RESPONDENT



CMP(MD)No.6662 of 2024

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 509 days in filing the second appeal against the judgment and decree passed by the Sub Court, Manamadurai, Sivagangai District in A.S.No.79 of 2019 dated 02-08-2022 confirming the judgment and decree passed by the District Munsif Cum Judicial Magistrate Court, Elayankudi, Sivagangai District in O.S.No.11 of 2013 dated 16-02-2016 and thus render justice.

PRAYER IN SA(MD) SR No.31885 of 2024:

To call for the records of the lower Courts, set aside the Judgment and Decree passed by the Sub Court, Manamadurai, Sivagangai District in A.S.No.79 of 2019 dated 02.08.2022 confirming the Judgment and Decree passed by the District Munsif cum Judicial Magistrate Court, Elayankudi, Sivagangai District in O.S.No.11 of 2013 dated 16.02.2016 and thus allow this Second Appeal with costs throughout.

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 MR.R.UDHAYAKUMAR, Advocate for the petitioners and not appeared for the respondent either in person or through by an advocate, the court made the following order:-

This Civil Miscellaneous Petition is filed to condone the delay of 509 days in filing the second appeal in SA(MD) SR No.31885 of 2024.

2.Despite service, the respondents are not appearing either in person or through counsel.

3.Being satisfied with the reasons stated in the affidavit filed in support of



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this petition, this Civil Miscellaneous Petition is allowed with a direction to the petitioners to deposit a sum of Rs.2,500/- (Rupees Two Thousand Five Thousand) to the credit of SA(MD) SR No.31885 of 2024. On production of receipt for the payment made by the petitioners, the Registry is directed to number the Second appeal, if it is otherwise in order and list the same in regular course.

sd/-
13/08/2024

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/08/2024
Sub-Assistant Registrar (CS-I/ III /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

TO

- 1.THE SUBORDINATE JUDGE, MANAMADURAI, SIVAGANGAI DISTRICT
2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ELAYANKUDI, SIVAGANGAI DISTRICT

COPY TO

1. THE SUB ASSISTANT REGISTRAR(AE)
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
CMP(MD)No.6662 of 2024
in
SA(MD) SR No.31885 of 2024
Date :13/08/2024

RK/GS (27/08/2024) 4P / 5C

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