



C.M.P(MD)No.6566 of 2024

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

Wednesday, the Twelfth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

C.M.P(MD)No.6566 of 2024
in
S.A.NO.244 of 2003

1. RAJAMMAL (DIED)

2 MARIAYA ALANKARAM

3 ARULAPPAN

4 LOURDU

5 ARPUTHAM

... PETITIONERS/ APPELLANTS

Vs

1. VARGHESE (DIED)

2 MARIYA SEBASTIAN

3 RATHINAM

4 LEEMAROSE

5 ALPHONSE

6 PRAKASI



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8 ALAKESH (DIED)

9 SUSILA

10 ERANCHEESAL

11 CHRISTHADAS

12 ANNAMMAL

13 THOMAS

14 RAFEAL

15 M.JOY

16 A.JEYANTHI

17 SUGANTHI

18 JEGAN

19 M.PUSHPABAI,(DIED)

20 MARTIN GEORGE

21 LOUIS MARY

22 STEPHEN RAJ

... 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 4447 days in filing the petition in restore the second appeal in S.A.No.244 of 2003 dismissed as against the 13th and 14th respondents alone and thus render justice.



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PRAYER IN S.A.NO.244 of 2003:

To prefer this memorandum grounds of second appeal against judgment and decree dated 11.04.1987 made in O.S.No.619/83 on the file of 2nd Additional District Munsif Court, Kullithurai as confirmed by the judgment and decree dated 18.07.2002 made in A.S.No.96/97 on the file of the 2nd Additional Sub Court, Kullithurai.

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.S.MEENAKSHISUNDARAM, Senior Counsel for R.MANIMARAN, Advocate for the petitioners and of MR.P.THIAGARAJAN, Advocate on behalf of the Respondent No.11 and MR.D.BALAMURUGA PANDI, Advocate for the Respondents 15 to 18 , the court made the following order:-

This Petition is filed to condone the delay of 4447 days in filing the Petition to restore the Second Appeal in S.A.No.244 of 2003 which was dismissed as against the 14th respondent.

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

3.In the affidavit filed in support of the condone delay petition, it was stated by the Petitioners that the order of dismissal was passed against the respondents 13 and 14 on 10.02.2010 and the said fact came to the knowledge of the learned counsel for the Petitioners after the Second Appeal was listed for final disposal. The present



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application has been filed as per the advise rendered by the previous counsel. It was also asserted that the previous counsel of the Petitioners did not inform him about the dismissal of the Second Appeal as against the respondents 13 and 14.

4.In view of the assertion made by the Petitioners regarding the lack of knowledge about the dismissal of the Second Appeal as against the respondents 13 and 14, this Court is inclined to take a liberal approach to condone the delay, on condition that the Petitioners shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Chief Justice Relief Fund of this Court towards costs within a period of one week from today, failing which, this Petition shall stand dismissed automatically without further reference to this Court.

5.List the matter for further hearing on 20.06.2024.

sd/-
12/06/2024

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/06/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsn



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TO
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- 1.THE 2ND ADDITIONAL DISTRICT MUNSIF, KULLITHURAI
- 2.THE 2ND ADDITIONAL SUBORDINATE JUDGE, KULLITHURAI.

COPY TO

- 1.THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
C.M.P(MD)No.6566 of 2024
in
S.A.NO.244 of 2003
Date :12/06/2024

RK/GS (19/06/2024) 5P / 5C

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