



CMP(MD) No.8847 of 2023

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD) No.8847 of 2023

IN

SA(MD) No.497 of 2008

KALAIVANI (DIED) A DEAF AND DUMB PERSON

1. GUNA,

2 SAMINATHAN,

3 GUNASEKARAN @ GUNASEELAN,

4 MANIMEKALAI,

... PETITIONER/APPELLANT

Vs

1 MEENAKSHI,

2 MALACHAMI,

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to order to condone the delay of 1235 days in filing condone peetition in S.A.(MD). No. 497 of 2008 and thus render justice.



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PRAYER IN SA(MD)No. 497 of 2008:

Second appeal filed under section 100 of code of Civil Procedure, against the judgment and decree dated the 22nd day of December 2006 in A.S.No. 292 of 2004 on the file of the Principal Subordinate Judge, Madurai reversing and setting aside the Judgment and decree dated 13th December 2004 passed in O.S.No. 167 of 1998 on the file of the District Munsif, Melur.

ORDER : This Civil Miscellaneous 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.R.A.MOHANRAM, Advocate for the petitioner and of MR.K.MAHENDRAN, Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed seeking to condone the delay of 1235 days in filing an application seeking restoration of the Second Appeal, which was dismissed for non prosecution on 06.02.2018.

2. Though the reasons stated in the affidavit filed in support of this petition is not sufficient, with a view to afford an opportunity to prosecute the matter on merits, this Court is inclined to allow this petition, but on terms.

3. Accordingly, this petition will be allowed subject to the payment of cost of Rs.5,000/- (Rupees Five Thousand only) payable in favour of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)], within a period of three weeks from today. If the cost is not paid within the said time, this application shall stand dismissed automatically without any



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further reference to this Court. It is also made clear that no extension of time will be granted at any circumstances.

4. Post for compliance on 01.02.2024.

sd/-
10/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE PRINCIPAL SUBORDINATE JUDGE, MADURAI.

2 THE DISTRICT MUNSIF, MELUR.

COPY TO

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.(ENVIRONMENTAL COMMITTEE)

ORDER
IN
CMP(MD) No.8847 of 2023
IN
SA(MD) No.497 of 2008
Date :10/01/2024

PKP/JGB/SAR /24.01.2024/ 3P/ 4C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023

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