



CMP(MD) No.10513 of 2023

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

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CMP(MD) No.10513 of 2023

IN

AS(MD) No.125 of 2013

KANNAN RAJA

... PETITIONER/ APPELLANT

Vs

BHARATSINGH

... RESPONDENT/RESPONDENT

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 331 days in filing the petition to set aside and restore the A.S. (MD).No.125 of 2013 which was dismissed for non prosecution vide order dated 04.08.2022.

PRAYER IN AS(MD)No.125 OF 2013:

To set aside the Judgment and Decree passed by the Court of the Principal District Judge, Virudhunagar District at Srivilliputhur in O.S.No. 21 of 2009 dated 30.11.2012 and allow this Appeal Suit.

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.M.JERIN MATHEW, Advocate for the petitioner and of MR.Y.PRAKASH, Advocate on behalf of the Respondent, the court made the following order:-



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This petition has been filed to condone the delay of 331 days in filing the petition to set aside and restore the A.S.(MD) No.125 of 2013 which was dismissed for non-prosecution vide order dated 04.08.2022.

2. The respondent has filed the counter objection.

3. Considering the reasons stated in the affidavit and considering the fact that due to the accident, the petitioner has suffered a fracture and was taking Ayurvedic treatment in Kerala and he was bedridden during that time and also considering the facts and circumstances of the case this petition will be allowed on payment of cost a sum of Rs.1,000/- (Rupees One Thousand only) to be paid to the respondent by the petitioner on or before 29.01.2024.

4. Post the matter on 30.01.2024

sd/-
18/01/2024

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

EBSI



CMP(MD) No.10513 of 2023

TO
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THE PRINCIPAL DISTRICT JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

ORDER
IN
CMP(MD) No.10513 of 2023
IN
AS(MD) No.125 of 2013
Date :18/01/2024

PKP/JGB/SAR /22.01.2024/ 3P/ 2C

Madurai Bench of Madras High Court is issuing certified
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