



CMP(MD). No.15507 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Thirtieth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD). No.15507 of 2024

in

SA.No.1285 of 2003

1. Siva Subramania Nadar (Died)
 2. S.S.Baskar
 3. S.S.Janarthanan
 4. S.S.Jayakumar
 5. S.S.Mohan
 6. S.S.Sundar
 7. P.Geetha
 8. J.Sujatha
- ... Petitioners/ Appellants

Vs

- 1 Arulmigu Pathira Kalliamman Kovil
Rep. by its Present Huqdar S.Veldurai
S/o. Senthoorapandi,
Pathira Kalliamman Kovil Street,
Kootampuli Tuticorin Taluk
Tuticorin – 628 103.
- ... Respondent/ Respondent

Prayer :-

Civil Miscellaneous Petition Under Section 5 of the Limitation Act to Condone the delay of 476 days in filling the application to set aside the order dated 25.04.2023

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CMP(MD). No.15507 of 2024

passed by this court dismissing the above S.A.No.1285 of 2003 for non-prosecution, and thus render justice.

Prayer in SA. 1285 of 2003 :

Second Appeal filed Under Section 100 of the Code of Civil Procedure against the judgment and Decree dated 02.12.2002 in A.S.No.43 of 1999 on the file of the Sub Court, Tuticorin confirming the judgment and Decree dated 05.04.1999 in O.S.No.116 of 1997 on the file of the Additional District Munsif Court, Tuticorin.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.Balaji, Advocate for the Petitioner and of None having appeared respondent either in person or an Advocate for the respondents, this Court made the following order:

This petition is filed to condone the delay of 476 days in filing the restoration petition, which was dismissed for non-prosecution on 25.04.2023 in the above Second Appeal.

2.The learned counsel appearing for the respondent has no objection for allowing the petition.

3.Being satisfied with the reasons stated in the affidavit filed in support of the petition, this petition is ordered and the restoration petition itself is also ordered in the S.R stage and the same is restored to file.



CMP(MD). No.15507 of 2024

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4.Post the main Second Appeal for hearing on 22.11.2024.

Sd/-

Assistant Registrar (CO)

// True Copy //

/11/2024

Sub Assistant Registrar
(CS- I, II, III, IV)

Ps

TO

1. The Subordinate Judge, Tuticorin.
2. The Additional District Munsif, Tuticorin.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 30/10/2024

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ORDER

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CMP(MD). No.15507 of 2024

in

SA.No.1285 of 2003

Giving direction and etc.
as stated within.

RD(14/11/2024) 3P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.
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