



CMP(MD) No.13080 of 2023

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

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

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD) No.13080 of 2023

in

CMP(MD)No. 13126 of 2004

IN

AS No.735 of 1995

T.A.K.SAMPATH RAMANUJAM,

... PETITIONER/4th PETITIONER

/4th APPELLANT

Vs

1 MANGAMMAL

2 T.A.K.SRINIVASAN

3 T.A.K.ANANTHALVAN (DIED) ...RESPONDENTS 1 TO 3

/ PETITIONERS 1 TO 3/ APPELLANT 1 TO 3

4 A.MANIVALLI

5 A.LATHA

6 SRINIDHI

7 A.DEEPA REKHA (MINOR)

...RESPONDENTS 4 TO 7

MINOR REP.BY HER NATURAL GUARDIAN
AND MOTHER A.LATHA



CMP(MD) No.13080 of 2023

8 RM.VENKATACHALAM,
REP.BY HIS POWER AGENT
S.K.S.RAJAN

...8th RESPONDENT/1st RESPONDENT
/ APPELLANT

9 C.SAMIKANNU

...9th RESPONDENT/2nd RESPONDENT
/6th APPELLANT

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 1058 days in filing the set aside the order made in C.M.P.No.13126 of 2004 in A.S.No.735 of 1995 dated 28.09.2008 dismissed as non prosecution and restore the same and thus render justice.

Prayer in CMP(MD). 13126/ 2004 :

Pleased to set aside the order dated 23.11.2000 disposing of A.S.No. 735 of 1995 on the basis of compromise entered into between the Appellant and sixth respondent and restore the appeal for hearing on merits.

Prayer in AS(MD)No. 735 OF 1995:

Pleased to prefer this Memorandum of Grounds of First Appeal before this Hon`ble Court against the Judgment and Decree made in O.S.No. 257 of 1985 dated 16.03.1995 on the file of the Subordinate Judge of Tiruchirappalli.

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.I.VELPRADEEP, Advocate for the petitioner and of Respondents 1,2,5,7 & 9 not appearing either in person or by an advocate , the court made the following order:-

This Petition is filed to condone the delay of 1508 days in filing to set aside the order made in C.M.P(MD)No.13126 of 2004 in A.S.No.735 of 1995 dated 28.09.2008 dismissed as non prosecution and restore the same.



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2. The Learned Counsel appearing for the respondents submitted that the respondents 4 & 6 are formal parties and there is no claim against them. Therefore notice is dispensed with and service is completed.

3. Heard. Perused the materials available on record.

4. Considering the facts of the case, delay is condoned and this petition is allowed on payment of cost.

5. This petition is allowed on condition that the petitioner shall pay the cost of Rs.1,500/- (Rupees Thousand Five Hundred only) to the credit of Women Advocates Association, Madurai Bench of Madras High Court (Account No:6477041768, IFSC Code:- IDIB00H040, Indian Bank, High Court Branch, Madurai) for the purpose of maintaining Creche, on or before 03.07.2024.

6. On such payment being made, Registry is directed to restore the Appeal and post the same for final hearing on 03.07.2024.

sd/-
26/06/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TMG
TO

THE SUBORDINATE JUDGE
TIRUCHIRAPPALLI.

COPY TO
THE OFFICER INCHARGE
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.(FOR THE PURPOSE OF MAINTAINING CRECHE)

ORDER
IN
CMP(MD) No.13080 of 2023
in
CMP(MD)No. 13126 of 2004
IN
AS No.735 of 1995
Date :26/06/2024

PKP/JGB/SAR /28.06.2024/ 4P/ 3C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023