



C.M.P(MD)No.1229 of 2017

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

Friday, the Twenty Sixth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

C.M.P(MD)No.1229 of 2017
in
S.A(MD)SR.No.52795 of 2008

C.RASSAIAH NADAR (DIED)

1 R. ARAVINDAN

2 R. THIRUNAVUKKARASU

3 R. KARTHIKEYAN

4 R. THAYALAN

5 S.R. MALARVIZHI @ AMUTHA

(CAUSE TITLE AMENDED VIDE ORDER DATED 01.03.2016 MADE IN MP(MD).
1/2013 IN SA(MD)SR.52795/2008 BY RMDJ)

... PETITIONERS/ APPELLANTS

Vs

SUYAMBULINGAM (DIED)

S.ALAGESAN

... RESPONDENT/RESPONDENT



C.M.P(MD)No.1229 of 2017

Civil Misellaneous 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 943 days in re-presenting the Second Appeal against the Judgment and Decree passed in A.S.No.90/2003 on the file of the Sub-Court, Nagercoil dated 30.11.2004 reversing the Judgment and Decree dated 17.9.2003 in O.S.No.82 of 1998 on the file of the Principal District Munsif, Nagercoil and thus render justice.

PRAYER IN S.A(MD)SR.No.52795 of 2008:

Pleased to set aside the judgment and decree dated 30.11.2004 passed by the Principal Sub Judge, Nagercoil in A.S.No.90/2003 reversing the judgment and decree dated 17.09.2003 passed by the Principal District Munsif, Nagercoil in O.S.No.82/1998 and allow this Second Appeal.

ORDER : This Civil Misellaneous 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.GNANAGURUNATHAN, Advocate for the petitioner and of Mr.K.N.THAMPI, Advocate on behalf of the Respondents, the court made the following order:-

Learned counsel for the respondent would submit that the original grounds of appeal was not presented in time.

2. This Second Appeal was filed against the judgment dated 30.11.2004 made in A.S.No.90 of 2003 by the learned Subordinate Judge, Nagercoil. But the appeal memorandum was presented only on 04.12.2008, after 4 years of limitation. Without noticing the same, it was returned by pointing out some other defects. It was re-presented on 16.03.2011 with a delay. To condone the delay in re-representation, this



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Civil Miscellaneous Petition is filed. Since there is an original delay in filing, it must be properly rectified. So this petition will not lie now. So the petition is ordered to be disposed of for the time being, directing the petitioner to take proper steps in the original presentation itself. For that purpose, let the original memorandum also be returned to the petitioner by the registry.

sd/-
26/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO
1 THE SUBORDINATE JUDGE,
NAGERCOIL.

2 THE PRINCIPAL DISTRICT MUNSIF,
NAGERCOIL.

ORDER
IN
CMP(MD) No.1229 of 2017
IN
SA(MD) No.SR52795 of 2008
Date :26/04/2024

SA/GS/SAR. /23.05.2024/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.