



CMP(MD) No.8526 of 2018

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

Thursday, the Twenty Ninth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN
and
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CMP(MD) No.8526 of 2018
IN
AS(MD) No.196 of 2011

I.PITCHAI

... PETITIONER/ APPELLANT

Vs

1 K.CHINNAMALAYAKKAL

2 M.VEERAKKAL

3 R.S.GANESAN

4 M.PHILLIAMMAL

5 V.PANNEER

... 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 restore the first appeal in A.S.(MD)No.196 of 2011 dismissed on 28.11.2013 on the file of this Honble court.

PRAYER in AS(MD) No.196 of 2011:

To set aside the judgment and decree dated 19.04.2011 passed in O.S.63/2008 on the file of Additional District Judge, Fast Track Court No.3, Madurai.



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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.K.ABIYA, Advocate for the petitioner and of Mr.M.C.SWAMY, Advocate on behalf of the Respondents 1 & 2, the Court made the following order:-

The appeal was dismissed for default on 28.11.2013. Thereafter, in the year 2018, the appellant has filed a petition to condone the delay of 1356 days in filing a restoration petition and the same was allowed by this Court vide Order dated 20.08.2018. Thereafter, the appellant did not prosecute the restoration application and the same is pending from the year 2018 to 2024.

2. When the matter came up for hearing on 22.08.2024, at request, it was adjourned to today i.e., 29.08.2024. Even today, the learned counsel appearing for the petitioner / appellant is not ready.

3. The reasons stated in the accompanying affidavit for restoring the appeal are not satisfactory. However, in order to give opportunity to the parties to resolve the dispute on merits, the petition is allowed on condition that the petitioner / appellant shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Advocate Clerk's Welfare Association, Madurai Bench of Madras High Court, bearing Account No.496039124 at Indian Bank, High Court Branch, Madurai, towards costs, on or before 18.09.2024, failing which, the petition shall stand dismissed automatically without any further reference to Court.



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4. List the matter on 19.09.2024 'for reporting compliance'.

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sd/-
29/08/2024

/ TRUE COPY /

/09/2024

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

MBI
TO
THE ADDITIONAL DISTRICT JUDGE
FAST TRACK COURT NO.3, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.MARIMUTHU, Advocate (SR-10602[I] dated 30/08/2024)

ORDER
IN
CMP(MD) No.8526 of 2018
IN
AS(MD) No.196 of 2011
Date :29/08/2024

SS/VR/SAR- /04/09/2024/3P/4C

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