



CMP(MD). No.14345 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD). No.14345 of 2023

in

SA No.1369 of 2003

Marudhai (Died),
Natarajan (Died)
2.Pachaiammal

... Petitioners/ Appellants

Vs

1 Mariyayee Ammal
W/o.Thagavel

2 Subramanian
S/o.Masi

3 Kathan(Died)
(R3 Died,Vide Court Order Dated 24.11.2023 made in
Cmp(MD) No. 14345 of 2023 In SA(MD)No.1369 of 2003)

... Respondents/Defendants

Prayer :-

Civil Miscellaneous Petition is filed Under Section 5 of the Limitation Act to condone the delay of 533 of days in filling the restore petition.



CMP(MD). No.14345 of 2023

Prayer in SA. 1369/ 2003 :

Second appeal filed under Section 100 of the Civil procedure Code, against the Judgment and Decree in AS No.86/1996 on the file of the IInd Additional sub Judge, Tiruchirappalli dt.27/02/2003 confirming the judgment and decree in O.S.No.1173 of 1986 dt.27/07/1995 on the file of the Principal District Munsif, Tiruchi.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and No Appearance , for the Petitioner and of M/s. Vinoth, Advocate for the respondents, this Court made the following order:

This application earlier came up for consideration on 24.11.2023. On that day, it was brought to the notice of this Court that Respondent No.3 had passed away during the pendency of the main appeal itself. Under those circumstances, the petitioner was permitted to take appropriate steps. However, no such steps have been taken so far. Further, when the matter was listed on 08.02.2024, there was no representation for the petitioner. Hence, the matter was directed to be listed under the caption 'for dismissal'. Today, in spite of the matter being listed under the caption 'for dismissal', there is no representation for the petitioner. In the circumstances, this Court is left with no other option, except to dismiss this application for non-prosecution.



CMP(MD). No.14345 of 2023

2. Accordingly, this Civil Miscellaneous Petition is dismissed for non-prosecution.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/02/2024

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

TO

1.The II nd Additional subordinate Judge,
Tiruchirappalli.

2.The Principal District Munsif,
Tiruchi.

Copy to:

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

+1 CC to M/S.N.C.Ashok Kumar, Advocate (SR-4081)



WEB COPY



CMP(MD). No.14345 of 2023

ORDER DATED : 09/02/2024

=====
ORDER
=====

CMP(MD). No.14345 of 2023
in
SA No.1369 of 2003

Giving direction and etc.
as stated within.

DL/(15.02.2024)/ 4P/ 5C

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