



C.M.P(MD)No.5227 of 2024

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

Tuesday, the Sixteenth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

C.M.P(MD)No.5227 of 2024

in

A.S(MD)SR.No.79962 of 2023

A.KARTHICK

... PETITIONER/ APPELLANT

Vs

P.S.SUBRAMANIAM(DECEASED)

1. P.S.SIVAKUMAR

...PLAINTIFF/ RESPONDENT

2 P.S.ASOKAN

3 JEEVA HARIKRISHNAN

4 S.RADHAMANI

5 S.DEEPAK

6 S.MATHANGANI

... 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 Condone the delay of 1903 days in filing appeal as against the judgement and decree passed in O.S.No.39/2010 on the file of Additional District Judge, Theni and pass such further or other order as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.



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PRAYER IN A.S(MD)SR.No.79962 of 2023:

To set aside the Judgment and Decree dated 22.04.2016 passed in O.S.No.39 of 2010 by the learned Additional District & Sessions Court, Periyakulam, Theni by allowing the above first appeal.

ORDER : This 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 MR.S.S.SWAMINATHAN, Advocate for the petitioner, the court made the following order:-

This Petition is filed to condone the delay of 1903 days in filing the appeal.

2. Heard. Perused the materials available on record.

3. The first respondent is not represented by Counsel. The other respondents remained ex parte. This Court has already ordered notice, but the respondents did not appear before this Court.

4. Considering all these reasons, this Court is of the considered opinion that notice was served to all the respondents. Therefore, delay is ought to be considered.

5. Accordingly, delay is condoned and this petition is allowed on payment



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6. This petition is allowed on condition that the petitioner shall pay the cost of Rs.2,000/- (Rupees Two Thousand 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, within a period of Four weeks from the date of receipt of a copy of the Order.

7. On such payment being made, Registry is directed to number the appeal, if it is otherwise in order.

sd/-
16/04/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ksa

TO

THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
PERIYAKULAM, THENI



C.M.P(MD)No.5227 of 2024

WIKISUDY COPY TO

1. THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE OFFICER IN CHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
C.M.P(MD)No.5227 of 2024
in
A.S(MD)SR.No.79962 of 2023
Date :16/04/2024

RK/VR (22/04/2024) 4P / 4C

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