



C.M.P.(MD). No.15583 of 2023

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

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

PRESENT

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

C.M.P.(MD). No.15583 of 2023

and

C.M.P.(MD). No.308 of 2024

in

S.A.(MD). No.28 of 2014

Murugan

Petitioner / Appellant in Both the petitions

Vs

Mookkammal alias Mookki

Respondent / Respondent in Both the petitions

Prayer in C.M.P.(MD). No.15583 of 2023:-

This Civil Miscellaneous Petition is filed under Section 5 of Limitation Act, to condone the delay of 1563 days in filing the petition to restore the appeal which was dismissed for non-prosecution on 13/07/2017.

Prayer in C.M.P.(MD). No.308 of 2024:-

This Civil Miscellaneous Petition is filed under Order 41 Rule 19 of CPC., to set aside the order and to restore the Second Appeal (MD). No.28 of 2014 which was dismissed for non-prosecution on 13/07/2017.

Prayer in S.A.(MD). No.28 of 2014:-

This Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 04.11.2011 made in A.S. No.3 of 2008 on the file of the Subordinate Court, Ambasamudram confirming the judgment and decree dated 13.03.2007 made in O.S. No.82 of 2002 on the file of the District Munsif Court, Cheranmahadevi.



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ORDER:- These Petitions are coming on for orders on this day and upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Mr. H. Arumugam, Advocate for Petitioner and Mr. V. Meenakshi Sundaram, Advocate for respondent, this Court made the following order:-

“Having heard at length, this Court is of the considered view that in order to decide the matter on merits, the delay of 1563 days in filing the petition to restore the appeal, which was dismissed for non-prosecution on 13.07.2017, is to be condoned. Accordingly, C.M.P.(MD) No.15583 of 2023 is allowed. Consequently, C.M.P.(MD) No.308 of 2024 is also allowed and the judgment dated 13.07.2017 is set aside and the appeal in S.A.(MD) No.28 of 2014 is restored on to the file of this Court.”

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/03/2024

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

To

1. The Subordinate Judge, Ambasamudram.
2. The District Munsif, Cheranmahadevi.



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The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

ORDER DATED 02.02.2024

ORDER

C.M.P.(MD). No.15583 of 2023
and
C.M.P.(MD). No.308 of 2024
in
S.A.(MD). No.28 of 2014

SI-(11.03.2024) 3P/ 5C

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