



in CMP(MD)No. 753 of 2023

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

Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

C.M.P(MD)Nos.753 & 754 of 2023

in

S.A.(MD)SR.Nos. 80715 & 80787 of 2022

R.SEENIVASAN

... PETITIONER/ APPELLANT
IN BOTH APPEALS

Vs

1 R.VENKITASAMY(DIED)

1 V.PREMKUMAR,

2 MINOR.ABARNA

3 MINOR.GAYATHRI

(MINORS REPRESENTED
THROUGH THEIR MOTHER SATHYA /7th RESPONDENT HEREIN)

4 G.JEYALAKSHMI

5 THAYAMMAL



in CMP(MD)No. 753 of 2023

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6 MINOR.BALAJI

(MINOR REPRESENTED THROUGH HIS MOTHER THAYAMMAL
/5TH RESPONDENT HEREIN)

7 SATHYA

... RESPONDENTS/RESPONDENTS
in CMP(MD)No. 753 of 2023

1 R.VENKITASAMY(DIED)

1 V.PREMKUMAR,

2 MINOR.ABARNA

3 MINOR.GAYATHRI

(MINORS REPRESENTED
THROUGH THEIR MOTHER SATHYA /4th RESPONDENT HEREIN)

4 SATHYA

5. G.JEYALAKSHMI

6 THAYAMMAL

7 MINOR.BALAJI

...RESPONDENTS/RESPONDENTS
IN CMP(MD)No. 754 of 2023

(MINOR REPRESENTED THROUGH HIS MOTHER THAYAMMAL
/6TH RESPONDENT HEREIN)

PRAYER IN CMP(MD)No. 753 of 2023:

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 3615 days in filing the above second appeal against the judgment and

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in CMP(MD)No. 753 of 2023

decree in A.S.No.26 of 2010 dated 29-10-2012 on the file of the Sub Court, Theni in O.S.No.2 of 2005 dated 29-09-2009 on the file of the District Munsif Court, Bodinayakkanur and thus render justice.

PRAYER IN SA(MD)SR.No. 80715 of 2022:

To call for the records pursuant to the judgment and decree of the Hon'ble Sub Court, Theni in A.S.No. 26 of 2010 dated 29.10.2012 by reversing the judgment and decree passed in O.S.No. 2 of 2005 dated 29.09.2009 passed by the Hon'ble District Munsif Court, Bodinayakanur and set aside the same and to allow this second appeal.

PRAYER IN CMP(MD)No. 754 of 2023:

To condone the delay of 3615 days in filing the above second appeal against the judgment and decree in A.S.No.104 of 2009 dated 29-10-2012 on the file of the Sub Court, Theni in O.S.No.2 of 2005 dated 29-09-2009 on the file of the District Munsif Court, Bodinayakkanur and thus render justice.

PRAYER IN SA(MD)SR.No. 80787 of 2022:

To call for the records pursuant to the judgment and decree of the Hon'ble Sub Court, Theni in A.S.No. 104 of 2009 dated 29.10.2012 by modifying the judgment and decree passed in O.S.No. 2 of 2005 dated 29.09.2009 passed by the Hon'ble District Munsif Court, Bodinayakanur and set aside the same and to allow this second appeal.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S M.PRABHU, Advocate for the petitioner in both petition and of MR.R.SURIYANARAYANAN, Advocate for Respondents 1 to 5 in CMP(MD)No. 754 of 2023 and for the Respondents 1 to 4 in CMP(MD)No. 753 of 2023, the court made the following order:-

These petitions are filed to condone the delay of 3615 days in filing the Second Appeal.

2. Being satisfied with the reasons stated in the affidavit filed in support of these

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petitions, this Court is inclined to allow these petitions on payment of cost of Rs.20,000/- payable to the following organization which is meant for disabled children.

“Saksham”

Swami Sivanandha Sevarshram,

Austin Patti Road, Thopur, Madurai

Contact Person Sri Govindharaj

Mobile Number: 63740 48342.

3. On such payment being made, Registry is directed to number these appeals, if it is otherwise in order and list it for admission on 27.02.2024.

sd/-
07/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KSA

TO

1 THE SUBORDINATE JUDGE

THENI.

<https://www.mhc.tn.gov.in/judis>



in CMP(MD)No. 753 of 2023

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2 THE DISTRICT MUNSIF
BODINAYAKKANUR.

COPY TO

- 1 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 3 MR.GOVINDHARAJ
"SAKSHAM"
SWAMI SIVANANDHA SEVARSHRAM,
AUSTIN PATTI ROAD, THOPUR, MADURAI
MOBILE NUMBER: 63740 48342.

ORDER

IN

C.M.P(MD)Nos.753 & 754 of 2023

in

S.A.(MD)SR.Nos. 80715 & 80787 of 2022

Date :07/02/2024

PKP/DD/SAR /13.02.2024/ 5P/ 6C

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