



CMP(MD) No.15834 of 2023

WEB COPY

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

Thursday, the Seventeenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

C.M.P.(MD)No.15834 of 2023

in

CROS.OBJ(MD)SR No.84741 of 2023

GOMATHI AMMA

... PETITIONER/CROSS OBJECTOR/
1ST RESPONDENT

Vs

1 LALITHAMBIKA

2 MADHUSUDHANAN NAIR,

...RESPONDENTS 1 & 2/
RESPONDENTS 1 & 2/
APPELLANTS

P. SUKUMARAN NAIR (DIED)

3 CHANDIRIKA,

...3RD RESPONDENT/3RD RESPONDENT/
3RD RESPONDENT

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 690 days in filing the above cross objection and pass such further or other orders, as this Honourable Court may deems fit and proper in the circumstances of the case and thus render justice.

PRAYER IN CROS.OBJ(MD)SR No.84741 of 2023:

To allow the Cross Objection in SA(MD)No.539 of 2019 against the Judgment and decree dated 10.01.2019 passed in A.S.No.133 of 2004 on the file of Learned



CMP(MD) No.15834 of 2023

Principal District Judge, Kanniyakumari District at Nagercoil reversing the judgment and decree dated 30.01.2004 passed in O.S.No.44 of 1995 on the file of Learned Subordinate Judge, Kuzhithurai, Kanniyakumari District.

Prayer in SA(MD). 539/ 2019 :

To set aside the Decree and Judgement passed in AS.No.133 of 2004 on the file of Principal District Judge, Kanaykumari District at Nagercoil dated 10.01.2019. reversing the decree and judgement passed in O.S. No.44/1995 on the file of Sub Judge, Kuzhithurai Kanniyakumari District dated 30.1.2004 and thus allow the appeal with cost.

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.M.P.SENTHIL, Advocate for the petitioner and of MR.M.RAJARAMAN, Advocate on behalf of the Respondents 1 & 2 and MR.B.CHRISTOPHER, Advocate for the 3rd Respondent, the court made the following order:-

The learned counsel for the petitioner is present before this Court.

2. The learned counsel for respondent Nos.1 and 2, and the learned counsel for the 3rd respondent, appeared through Video Conference.

3. The present Civil Miscellaneous Petition has been filed to condone the delay of 690 days in filing the Cross Objection in Cros.Obj.(MD)SR No.84741 of 2023.

4. The learned counsel for respondent Nos.1 and 2 and the learned counsel for the 3rd respondent submitted that their clients have no objection to this petition, but



CMP(MD) No.15834 of 2023

have requested this Court to impose cost as against the petitioner.

WEB COPY

5. I have perused the affidavit filed in support of this petition.

6. Being satisfied with the reasons stated in the affidavit, and also considering the submission made by the learned counsels for the respondents, this Court is inclined to allow this petition on payment of cost. Accordingly, this petition is allowed on payment of cost of Rs.500/- (Rupees Five Hundred only) to respondent Nos.1 and 2, and on payment of cost of Rs.500/- (Rupees Five Hundred only) to the 3rd respondent, on or before 07.11.2024.

7. List this matter on 07.11.2024.

sd/-
17/10/2024

/ TRUE COPY /

/10/2024

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

mkn

TO
1.THE PRINCIPAL DISTRICT JUDGE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL

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



CMP(MD) No.15834 of 2023

2.THE SUBORDINATE JUDGE,KUZHITHURAI, KANNIYAKUMARI DISTRICT.

ORDER
IN
C.M.P.(MD)No.15834 of 2023
in
CROS.OBJ(MD)SR No.84741 of 2023
Date :17/10/2024

RK/JGB (24/10/2024) 4P / 3C

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