



C.M.P(MD)No.17040 of 2023 in S.A.No.SR90941 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.M.P(MD)No.17040 of 2023

in

S.A.(MD)No.SR90941 of 2023

1.Paraman

2.Panam @ Panaselvi

... Petitioners / Appellants

Vs

Karuthakannan (died)

1.Palani

2.Annathai

3.Muthucharam

4.Ochu

... Respondents / Respondents

Prayer in **C.M.P(MD)No.17040 of 2023** : Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 43 days in filing the Second Appeal.



C.M.P(MD)No.17040 of 2023 in S.A.No.SR90941 of 2023

Prayer in **S.A(MD)No.SR90941 of 2023** : Second Appeal is filed under Section 100 of C.P.C., to set aside the judgment and decree dated 05.07.2023 passed in A.S.No.92 of 2019 on the file of the Sub Court, Usilampatti, confirming the judgment and decree dated 14.03.2018 passed in O.S.No.13 of 2009 on the file of the District Munsif cum Judicial Magistrate No.1, Usilampatti.

For Petitioner : No appearance

For R1 to 3 : Mr.M.Vijayarathinam

ORDER

Respondents 1 and 4 reported to be dead. No step has been filed so far.

2. Learned counsel for respondents 1 to 3 present and stated that the first respondent is still alive. The original first respondent before the Court below is reported to be dead, whose legal representatives are also already on record.



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3. Since there is no representation for the petitioner for the past two hearing, no purpose is going to be served in keeping this petition pending. Accordingly, this Civil Miscellaneous Petition is dismissed for default and the Second Appeal is rejected at the SR stage itself.

12.07.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

1. The Subordinate Judge, Usilampatti.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN, J.

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ORDER
IN
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in
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