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C.M.P.No.21422 of 2024 in S.A.No.609 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

CMP No.21422 of 2024
in S.A.No.609 of 2011

Sambandam

.. Petitioner/Appellant

vs.

1.Balaguru
2.Rajeswari
3.Chandira
4.Vasantha
5. Rani

.. Respondents/Respondents

For Petitioner : Mr.D.Balachandran

For Respondents : Mr.V.Nithyanandan
for M/s.Sar Asso.

ORDER

Heard the learned counsel for the appellant and the learned counsel for the respondent.

2. This petition has been taken out for restoration of the second appeal which was dismissed for default on 01.08.2024.



C.M.P.No.21422 of 2024 in S.A.No.609 of 2011

WEB COPY

3. The learned counsel for the respondent would vehemently argue that the second appeal was dismissed for default and it was restored on file on the petition filed by the appellant/first defendant herein by an order dated 01.08.2024.

4. The suit is laid for partition of 1/6th share. The Trial Court dismissed the suit and on appeal by the plaintiff, the first appellate court reversed the findings of the trial court, and granted decree for partition of 1/5th share in the suit property .

5. It is also learnt that the final decree petition was filed and final decree was also passed.

6. Taking note of the entire circumstances, this petition is allowed on condition of payment of costs of Rs.5,000/- payable in favour of Cancer Institute, (WIA), Gandhi Nagar Canal Bank Road, Adyar, Chennai – 20 (payable in S.B.A/c.No.149710011000002, Union Bank of India, Madhya Kailash Branch, Cancer Institute (WIA) Campus, Sardar Patel Road, Chennai – 36, Branch Name and Code:1497, MICR No.600011049, IFSC Code : UBIN0814971), within a period of two weeks from the date of receipt of a copy



C.M.P.No.21422 of 2024 in S.A.No.609 of 2011

of this order. Failing which, this petition shall stand automatically dismissed without any further reference to this Court.

7. It is made clear that the petitioner shall advance his arguments within two adjournments.

16.04.2025

kkd

Note : Registry is directed to post this matter during the month of June, 2025.

To

1. The Cancer Institute, (WIA),
Gandhi Nagar Canal Bank Road,
Adyar, Chennai – 20.
2. The Subordinate Court,
Nagapattinam.
3. The District Court, Nagapattinam.



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C.M.P.No.21422 of 2024 in S.A.No.609 of 2011

R.KALAIMATHI,J.

kkd

C.M.P.No.21422 of 2024
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