



WEB COPY

CMP No. 23753 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

**THE HONOURABLE MR JUSTICE SATHI KUMAR SUKUMARA
KURUP**

**C.M.P No. 23753 of 2024 in
S.A.No.811 of 2010**

Ramakrishna Gounder (died)

1. Iyyamperumal, S/o Varadharaja
Goundar, Eapakkam Village,
Tindivanam Taluk.

2. Panjalai
W/o Harikrishnana, Eapakkam Village,
Tindivanam Taluk.

3. Kannan
S/o Ramakrishna Gounder, Eapakkam
Village, Eapakkam Village, Tindivanam
Taluk.

Appellant(s)

Vs

1. Alamalu
W/o Devaraj, Srithamur Village and
Post, Vandavasi Taluk.

2. Mangalakshmi



W/o Mari Goundar, Venmaniathur
Village, Thindivanam Taluk.

WEB COPY 3.Thayarammal

W/o Subharaya Goundar, Dibangini
Village, Tindivanam, Vandavasi Taluk.

4.Aandal

W/o Thirumurthy, No 116, Sasthri
Nagar, Tondiarpet, Chennai 600 081.

5.Elumalai

S/o Ramakrishna Gounder, Eapakkam
Village, Tindivanam Taluk.

6.Thiruvengadam Pillai

S/o Natesapillai, Eapakkam Village,
Tindivanam Taluk.

7.Radha Pillai

Eapakkam Village, Tindivanam Taluk.

Respondent(s)

PRAYER

Civil Miscellaneous Petition is filed to condone the delay of 433 days in filing petition seeking to restore the Second appeal No 811 of 2010.

For Appellant(s): Mr. S.N.Subramani

For Respondent: Mr.M.Venkadeshnan

ORDER

Civil Miscellaneous Petition is filed to condone the delay of 433 days in



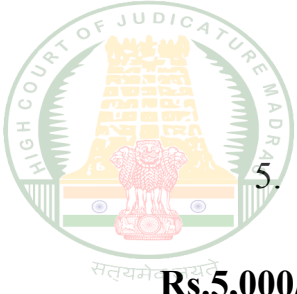
filing petition seeking to restore the Second Appeal No 811 of 2010.

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2. Learned Counsel for the Respondents files counter. Learned Counsel for the Appellants submits that he is appearing on Change of Vakalat. From the records, it is seen that the Second Appeal is filed by the Plaintiff before the learned Additional Sub Judge, Tindivanam.

3. After full trial, the suit was decreed in favour of the Plaintiff. The Defendants preferred Appeal in A.S.No.16 of 1993 before the learned Additional Sub Judge, Tindivanam. The learned Additional Sub Judge, Tindivanam by judgment dated 18.11.2005 allowed the Appeal in A.S.No.16 of 1993. Thereby, the decree granted by the learned District Munsif in favour of the Plaintiffs was set aside and the suit was dismissed. Aggrieved, the Plaintiffs are before this Court by filing this Second Appeal.

4. The Second Appeal is of the year 2010 and it was dismissed on 18.04.2023. Now, the Civil Miscellaneous Petition is filed seeking to restore the Second Appeal. Petition is filed to condone the delay in filing the petition to restore the Second Appeal. There is condone of 433 days.



5. The Civil Miscellaneous Petition is allowed on payment of

Rs.5,000/- to the Respondents/Defendants within a period of two weeks.

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6. Post the case after two weeks.

16-04-2025

Shl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Munsif,
Tindivanam.

2. The Additional Sub Judge,
Tindivanam.



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SATHI KUMAR SUKUMARA KURUP J.

Shl

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S.A.No.811 of 2010**

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