



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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DATED : 07.03.2025

CORAM

**THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

**C.M.P.No.23555 of 2024**  
**in S.A.No.937 of 2011**

1. KALIAPPAN

S/o. Chelladurai, Res. at No. 4, Mela  
Veethi, Vaiteeswarankoil, Sirkali  
Taluk, Nagapattinam District.

2. Sankaralingam @ Balraj

Res. at No. 4, Mela Veethi,  
Vaiteeswarankoil, Sirkali Taluk,  
Nagapattinam District.

..Petitioners

Vs.

1. JAYARAMAN

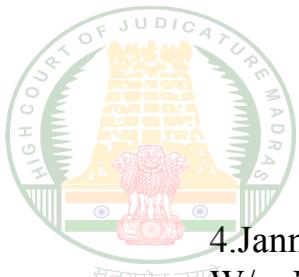
(Died)

2. Ganapathy Ammal

W/o. Jeyakumar, Panankattankudi  
Road, Nagapattinam District.

3. Thangamaniammal

W/o. Ayyanarsamy, No. 7,  
Singarathoppu Street, Sirkali Town,  
Nagapattinam District.



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4.Jannathul Beer Ghoush  
W/o. Mohamed Bugari, 4/86, West  
Street, Punganoor, Sirkali Taluk,  
Nagapattinam District.

5.The Sub Inspector of Police  
Vaiteeswarankoil, Sirkali Taluk,  
Nagapattinam District.

6.Ramaiya Nadar  
S/o. Chelladurai, Thediyur Village,  
Nanilam Taluk, Thiruvarur District.

..Respondents

**Prayer:** The Civil Miscellaneous Petition is filed under Section 151 of Civil Procedure Code with Section 5 of the Limitation Act, seeking to restore the above C.M.P. Bearing No.1304 of 2022 along with Second Appeal No.937 of 2011 that was dismissed for non-prosecution on 02.06.2023.

For Petitioners : Mr.A.Arunbabu

For R7 & R8 in  
C.M.P.No.1304 of 2022 : Mr.T.Saravanan

For R2, R3 : Mr.A.Ilangovan

For R4 : Mr.T.Sundramoorthy

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## **ORDER**

This petition has been filed to restore the above miscellaneous petition bearing C.M.P.No.1304 of 2022 along with Second Appeal No.937 of 2011 that was dismissed for non-prosecution on 02.06.2023.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. When the matter came up for hearing on 02.06.2023 for payment of necessary batta in C.M.P.No.1304 of 2022 to the proposed respondents/legal heirs of the deceased 1<sup>st</sup> respondent, since none represented the appellants, the matter was dismissed for non-prosecution.

4. The learned counsel for the respondent Nos.2, 3 did not have any serious objection for allowing this petition. However, the learned counsel for the 4<sup>th</sup> respondent would state that the main relief sought for in this suit is for partition and against the concurrent findings, the appellants have preferred this Second Appeal.

5. In order to afford an opportunity to the appellants, this Court is inclined to order this petition subject to payment of cost.



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6. Accordingly, this petition is ordered on payment of costs of Rs.1,000/- (Rupees One Thousand Only) to the Adayar Cancer Institute, Chennai on or before 17.03.2025. Failing which, the application shall stand dismissed automatically without further reference to this court.

7. On filing of cost memo, the Registry is directed to restore the Second Appeal on file and post the same before this Court after two weeks.

07.03.2025

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in S.A.No.937 of 2011



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- 1.The District Munsif,  
Sirkazhi.
- 2.The Principal Sub-Judge,  
Myladudurai.
- 3.The Sub Inspector of Police,  
Vaiteeswarankoil, Sirkali Taluk,  
Nagapattinam District.



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**R. KALAIMATHI, J.**

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