



CMP(MD) NO. 13863 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-07-2025

CORAM

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CMP(MD) NO. 13863 of 2024
in A.S.(MD)No.254 of 2009

A.Nachal

Petitioner(s)

Vs

1. 1.N.K.L.KULANTHAIVELAN(Died),
- 2.K.L.Parathasarathiy (Died),
3. L.Meenal,
4. S.Uma
5. Padma

6. MANJULA

7. ABIRAMI

8. The Branch Manager,
Bank of India,
Eakattuthangal, Chennai.

9. Visalakshi,

10. Unnamalai,



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11. Meenakshi,

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12. Vinod Kumar Pratapmalji,

13. Varsha Vinodkumar,

14. Lalitkumar Pratapmalji,

15. Teena Lalit Kumar,

16. Bharat Kumar Pratapmalji,

17. Sunitha Bharat Kumar,

Respondent(s)

For Petitioner(s):

Mr.H.Arumugam

For Respondent(s):

Court Notice (r4, R10 & R11)

R10 - Unnamalai (vide Court Order Dt.12.06.2025)

R11 - Died (vide As (steps Taken)

Fresh Notice Ordered On 12.06.2025 For R4

R4 - S.Uma (through Court Mail Copy)

Pvt. Notice - Proof Filed

ORDER

This petition has been filed to condone the delay of 3890 days in filing the petition to restore the appeal which was dismissed for default on 02.12.2013 as against the 4th respondent is concerned.

2.The petitioner/plaintiff in O.S.No.172 of 2004 has filed this appeal



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challenging the dismissal of the suit for partition filed against her grandfather,
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father and sisters.

3.In the appeal suit he has not taken any steps to serve notice to the fourth respondent. Hence, the petition was dismissed for default on 02.12.2013. The same was inadvertently not noticed by the appellant. Hence, he filed a petition to set aside the said order with a delay of 3890 days.

4.In the affidavit it is stated that the appeal was posted for final disposal in the year 2019. At that time he came to know about the death of the first respondent and also the other respondents. Thereafter, he filed the petitions to implead the legal heirs. At that time only he came to know about the dismissal of the above said dismissal of the appeal suit against the fourth respondent.

5.The said reason was not accepted by the respondent by filing counter. This Court also take judicial notice after the appeal was usually presented before this Court. Now the matter is listed for final disposal.

6.Considering the facts and circumstances of the case, this Court is inclined to allow this application on condition.

7.Accordingly, the petitioner is directed to pay a sum of Rs.4,000/- (Rupees Four Thousand only) to the Women Lawyers Association attached to the Madurai Bench of Madras High Court, Madurai, on or before 28.07.2025.



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8. On the above said condition, this civil miscellaneous petition stands allowed.

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List the matter for reporting compliance on 29.07.2025.

sd/-
02/07/2025

/ TRUE COPY /

/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
To
The Principal District Judge,
Pudukkottai.

Copy To
The Officer In-charge,
Women Lawyers Association,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CMP(MD) No.13863 of 2024
in AS(MD) No.254 of 2009
Date :02/07/2025

HPS/22.07.2025 /4P/3C

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