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CMP(MD) NO. 1745 of 2023



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-11-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CMP(MD) NO. 1745 of 2023 IN AS(MD) NO. 265 OF 2008

1. M/S.AMARKANTAK ORCHARDS Pvt. Ltd.,
and Amarkantak Farms Pvt Ltd
Through its Director Sundeep Maheswari
Registered Office at No.5
Zoom II M.P.Nagar Bhopal - 462 011
State of Madhya Pradesh.

2. SUNDEEP MAHESWARI
S/o.Maheswari
No.5 Zoom II M.P.Nagar Bhopal - 462011
State of Madhya Pradesh.

3. RAVI DHIVEDI
S/o.R.S.Dhivedi
Authorized Representative of M/s.Amarkantak Orchards Pvt Ltd
No.5 Zoom II MP Nagar Bhopal - 462011
State of Madhya Pradesh.

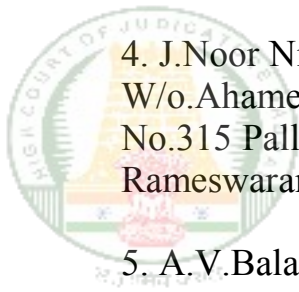
Petitioner(s)

Vs

1. P.A.Joseph(DIED)
S/o.Late.Abraham
Residing at Plavu Vachuthil House
Kumili Town Peermedu Taluk Idukki District Kerala State.

2. J.Jameer
S/o.Janibai
No.315 Pallivasal Street
Rameswaram Post Ramanathapuram District.

3. S.Ahamed Mansoor
S/o.M.K.A.Mohammed Sheriff
Door No.10 Muthu Chavady Street
Rameswaram Post Ramanathapuram District.



4. J.Noor Nisha
W/o.Ahamed Mansoor
No.315 Pallivasal Street
Rameswaram Post Ramanathapuram District.

5. A.V.Balan (died)

6. Achyuth Tony Joseph
S/o.Late.P.A.Joseph
Plavu Vachathil House
Kumuli Town Peermedu Taluk
Idukki District Kerala State.

7. Twinkle Joseph
D/o.Late.P.A.Joseph
Plavu Vachathil House
Kumuli Town Peermedu Taluk
Idukki District Kerala State.

Respondents 6 and 7 are brought on record as LR's of the deceased 1st Respondent vide court order dated 11.11.2025 made in CMP(MD) Nos.17743, 17742 and 17739 of 2025 in AS(MD)No.265 of 2008

Respondent(s)

For Petitioner(s): M/s.V.Muthukamatchi

For Respondent(s): Mr.R.Suria Narayanan

Prayer: To condone the delay of 245 days in filing the present Restoration petition against the order dated 10-02-2022 made in A.S.(MD).No.265/2008 on the file of this High Court.

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

This application has been filed to condone the delay of 245 days in filing the application to restore AS(MD) No.265/2008, which had been dismissed for non prosecution on 10.02.2022.

2. It must also be noted that AS(MD) No.265/2008 is also connected with AS(MD) No. 279/2008, which is now pending before the file of this Court.

3. In this petition, the first respondent had died and subsequently, the legal representatives



have been brought on record.

4. In the affidavit filed, it had been stated that the appeal was listed on 10.02.2022 and on that very day, it had been dismissed for non prosecution. It had been stated that the 4th appellant had engaged a counsel to represent on behalf of the company, but after the death of the 4th appellant, the appellant could not contact the counsel and there was miscommunication. The papers had to be handed over to the present counsel to file necessary application. There has been a delay in filing the restoration application.

5. Taking all factors into consideration, the petition is allowed and the delay is condoned. Registry may number the petition to restore AS(MD) No.265/2008 and list it before this Court on 20.11.2025.

(C.V.KARTHIKEYAN J.) (R.VIJAYAKUMAR J.)
17-11-2025

RR