



C.M.P.No.31135 of 2025
in S.A.No.956 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2026

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Coram:
THE HON'BLE MR.JUSTICE R.SAKTHIVEL

C.M.P.No.31135 of 2025
in S.A.No.956 of 2013

V.Kuppuraj (Deceased)

1.K.Saraswathy
W/o. Sreekanteshwaran
D/o. V.Kuppuraj
Residing at 3/N, Rajeshwari Nagar,
Bangalur Road, Hosur Taluk,
Krishnagiri District.

...Petitioners/Appellants

Versus

Sundara Murthy (Deceased)

1.Devi
W/o. Sundaramurthy,
Residing at D.No.17-C, Namalpet,
Hosur Town and Taluk,
Krishnagiri District.

Prabhakar (Deceased)

2.Vijaya
W/o. Prabhakar

Residing at D.No.16-D, Namalpet,
Hosur Town and Taluk,
Krishnagiri District.

...Respondents/Respondents



C.M.P.No.31135 of 2025
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Prayer: This Civil Miscellaneous Petition has been filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 138 days in filing this petition to set aside the order of dismissal for default in S.A.No.956 of 2013 dated March 13, 2025 and restore the same on the file.

For Petitioners : Mr.N.Santhosh
for Ms.V.Srimathi

For Respondent – 1 : Ms.J.Jyothi

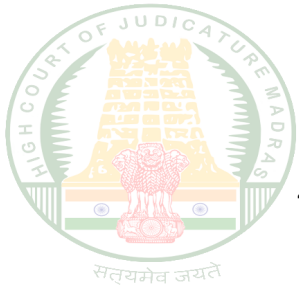
For Respondent – 2 : No Appearance

ORDER

This Civil Miscellaneous Petition has been filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 138 days in filing the petition to set aside the dismissal order dated March 13, 2025 passed in S.A.No.956 of 2013 and restore S.A.No.956 of 2013 on the file.

2. Heard Mr.N.Santhosh, Counsel representing Ms.V.Srimathi, Counsel on record for the Petitioners and Ms.J.Jyothi, Counsel for the 1st Respondent.

3. The Counsel for the 1st Respondent submitted that she has no objection in allowing this petition.



C.M.P.No.31135 of 2025
in S.A.No.956 of 2013

4. This Court has perused the case file.

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5. Having satisfied with the reasons stated in the affidavit filed in support of this petition and with a view to decide the Second Appeal on merits, this Court is inclined to condone the delay of 138 days in filing the petition to set aside the dismissal order dated March 13, 2025 and restore the Second Appeal on file. Hence, this Civil Miscellaneous Petition is ordered accordingly.

6. Registry is directed to number the Civil Miscellaneous Petition in C.M.P.SR.No.140606 of 2025, if it is otherwise in order and list the same for hearing on 15.06.2026.

01.06.2026

mrr

Index: Yes/No



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C.M.P.No.31135 of 2025
in S.A.No.956 of 2013

R.SAKTHIVEL, J.

mrr

C.M.P.No.31135 of 2025
in S.A.No.956 of 2013

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