



WEB COPY

CMP No. 13388 and 13390 of 2
in AS No. 824 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMP No. 13388 and 13390 of 2026

in

AS No. 824 of 2012

Sivasankaran
S/o. Alagi

... Petitioner
in both petitions

Vs

1. D.Vijayakumar
S/o. Duraisamy
98-99, Peria street,
Pappannaikenpalayam,
Coimbatore.
2. M.R.Dhanaraj
S/o. Rangasamy Mudaliar,
Muthipalayam, Thondamuthur,
Coimbatore 641 009.

...Respondents
in both petitions

CMP No. 13388 of 2026 : Petition filed under Order XLI Rule 19 read with 151 CPC to restore the appeal in A.S. No. 824 / 2012.

CMP No. 13390 of 2026 : Petition filed under Order XLI Rule 19 read with 151 CPC to set aside the order dated 01.12.2016 in A.S. No. 824 / 2012 and restore the appeal and dispose it of on merits and in accordance with law.

For Petitioner:

Ms.Srimathi V.
in both petitions



ORDER

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

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These petitions have been filed to restore the appeal, which had been dismissed for non-payment of batta, on 01.12.2016. On an earlier date, the petition to condone delay had come up for consideration and the same had been allowed by imposing condition. The condition imposed had been satisfied.

2. The appeal arises from a suit for specific performance. When the appeal was pending, stay had been granted. It is only appropriate that the issues are adjudicated and argued again before this Court. The present applications are consequential applications to the application to condone delay.

3. Accordingly, these applications are allowed and the appeal suit is restored to file.

4. Registry is directed to call for records from the trial Court. Records to be indexed and forwarded to this Court for the hearing date 22.06.2026.

5. Any steps taken in the Execution Petition by the decree holder would be subject to the final order passed in the appeal suit.

List on 22.06.2026.

(C.V.K.,J.) (K.R.S.,J.)

08-06-2026

GPA



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**C.V.KARTHIKEYAN J.
AND
K.RAJASEKAR J.**

gpa

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