



CMP(MD) NO. 17449 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09-03-2026**

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CMP(MD) NO. 17449 of 2024

in

AS(MD) NO. 113 of 2009

1.Minor.B.Madhu Priya

2.Minor. Lathika Sri

(Minor Petitioners are rep.
by their next friend and
natural Guardian their
Mother Mariammal)

Petitioner(s)

Vs

1.Muthumuniyandi (Died)

2.V.Balakrishnan

3.M.Ponmari

4.M.Muniarajan

5.M.Vinoth

(Respondents 3 to 5 are
brought on record as LR's of
the deceased 1st Respondent
vide court order dated



CMP(MD) NO. 17449 of 2024

10.07.2025 made in
CMP(MD) Nos.9268, 9270,
and 9271 of 2025 in
AS(MD)No.113 of 2009 and
also the consequential order
dated 01.08.2025 by KKRKJ)

Respondent(s)

For Petitioner(s):

Mr.I.Velpradeep,
Advocate

For Respondent(s):

Mr.B.Ponnupandi,
Advocate for R3 to R5

R2 – No Appearance

R1 – Died

Prayer : Civil Miscellaneous Petition is filed to condone the delay of 815 days in filing the Restoration Petition to set aside the order of dismissal for non-prosecution passed in the above AS(MD) No.113/2009 dated 05.08.2022.

ORDER

This Civil Miscellaneous Petition is filed to condone the delay of 815 days in filing the restoration petition to restore the Appeal Suit in A.S.(MD)No.113 of 2009, which was dismissed for non-prosecution on 05.08.2022.



WEB COPY



CMP(MD) NO. 17449 of 2024

2. Heard the learned counsel appearing on either side and perused the affidavit filed in support of this petition.

3. The names of the 2nd respondent has been printed in the cause list.

4. The learned counsel for respondent Nos.3 to 5 has raised only formal objection to this petition.

5. Being satisfied with the reasons stated in the affidavit, this Civil Miscellaneous Petition is allowed.

09-03-2026

Note : *The Registry is directed to number the restore petition filed in C.M.P.(MD)SR No.88082 of 2024, if it is otherwise in order.*



CMP(MD) NO. 17449 of 2024



WEB COPY



CMP(MD) NO. 17449 of 2024

P.VADAMALAI, J.

mn

CMP(MD) NO. 17449 of 2024

in

AS(MD) NO. 113 of 2009

09.03.2026