



C.M.P.(MD)No.242 of 2026

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DATED: 27.02.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.P.(MD)No.242 of 2026

in

C.M.P.(MD)No.9256 of 2018

in

S.A.(MD)SR.No.29901 of 2018

and

S.A.(MD)SR.No.29901 of 2018

1.Karuppiah

2.Chinnathambi

3.Valli

4.Panchavarnam

... Petitioners/
Petitioners/
Petitioners

Vs.

1.The State of Tamil Nadu,
represented by the District Collector,
Collectorate Complex,
Ramanathapuram.

2.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

... Respondents/
Respondents



C.M.P.(MD)No.242 of 2026

Prayer in C.M.P.(MD)No.242 of 2026 : The Civil Miscellaneous Petition filed under Section 5 of Limitation Act, praying to condone the delay of 2338 days for filing the restore petition to restore the CMP(MD)No.9256 of 2018 in SA(MD)SR.No.29901 of 2018 which was dismissed for default on 26.06.2019.

Prayer in C.M.P.(MD)No.9256 of 2018 : The Civil Miscellaneous Petition filed under Order 41 Rule 3(A) C.P.C. r/w Order 42 Rule 1 C.P.C., praying to condone the delay of 4346 days in filing the second appeal.

Prayer in S.A.(MD)No.SR29901 of 2018 : The Second Appeal filed under Section 100 C.P.C. against the judgment and decree passed in A.S.No.13 of 2005 dated 29.07.2006 on the file of the Court of the Subordinate Judge, Ramanathapuram, confirming the decision on the file of the Court of the District Munsif of Ramanathapuram, passed in O.S.No. 14 of 2002 dated 27.08.2004.

(in both cases)

For Petitioners : Mr.M.Krishnasreethar

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

COMMON ORDER

The Civil Miscellaneous Petition has been filed seeking orders to condone the delay of 2338 days in filing the restoration petition to restore C.M.P.(MD)No.9256 of 2018 in S.A.(MD)SR.No.29901 of 2018 dated 26.06.2019.



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2. It is seen from the records that the petitioners filed a second appeal challenging the judgment and decree passed in A.S.No.13 of 2005 dated 29.07.2006 on the file of the Subordinate Court, Ramanathapuram, confirming the judgment and decree made in O.S.No.14 of 2002 dated 27.08.2004 on the file of the District Munsif Court, Ramanathapuram, along with a petition in C.M.P.(MD)No.9256 of 2018 to condone the delay of 4346 days in filing the second appeal and the said petition was dismissed for default on 26.06.2019. The petitioners in order to restore the C.M.P.(MD)No.9256 of 2018 filed the petition for restoration along with the present petition to condone the delay of 2338 days in filing the restoration petition.

3. The only reason canvassed by the petitioners is that they were unable to file the restoration petition within the stipulated time due to ill-health. Though they have alleged ill-health, they have not elaborated the same or produced any material to substantiate such a plea. Except for the said reason, the petitioners have not assigned any other explanation for the inordinate delay of 2338 days.



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4. Considering the above, this Court finds that the petitioners have failed to furnish any sufficient cause for condoning the inordinate delay of 2338 days. The reason assigned is neither satisfactory nor supported by any material. In such circumstances, this Court is not inclined to exercise its discretionary jurisdiction under Section 5 of the Limitation Act. Accordingly, this Civil Miscellaneous Petition is dismissed and the restoration petition stands rejected. Consequently, S.A.(MD)SR.No.29901 of 2018 stands rejected at the SR stage itself.

27.02.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The District Munsif,
Ramanathapuram.
- 2.The Subordinate Judge,
Ramanathapuram.



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K.MURALI SHANKAR,J.

csn

Order made in
C.M.P.(MD)No.242 of 2026
in C.M.P.(MD)No.9256 of 2018
in S.A.(MD)SR.No.29901 of 2018
and S.A.(MD)SR.No.29901 of 2018

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