

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Fourteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD). No.5656 of 2016
in
S.A.No.2088 of 2001

Gopalakrishna Konar (Died)

....Appellant

2. Avudaiyammal,
3. G.Manivanna,
4. G.Balasubramanian,
5. Sai Lakshmi,
6. G.Andal,
7. G.Venkatesh,
8. G.Krishnaveni,

... Petitioners 2 to 8 /Proposed Appellants 2 to 8
(Legal representatives of the the deceased sloe Appellant)
in CMP(MD). 5656/ 2016

Vs

- 1 Paramuthu Konar (Died)

.. Deceased/Respondent (Died)

- 2 P.L.Krishnammal,
- 3 P.Venkatesh,
- 4 Uchimahali,
- 5 Andal, D/o.Paramuthu Konar,
- 6 Lakshmi Ammal,

7 Minor P.Maharajan,

...Respondents 2 to 7/Proposed
Respondents 2 to 7 (Legal representatives of the
deceased sloe Respondent)

8 G.Sankara Narayanan

... 8thRespondent/Proposed 8th respondent
(Legal representatives of the the deceased sloe Appellant)

Prayer :-

This Petition filed under Order 41 Rule 19 of C.P.C to
restore the second Appeal in S.A.No.2088/2001, which is dismissed for
non prosecution on 10.03.2016.

Prayer in S.A.No.2088/2001 :-

Appeal filed under section 100 of C.P.C against the
judgment and decree made in A.S.NO. 38 of 2001 dated 05.10.2001 on
the file of the Principal Subordinate Judge, Tirunelveli reversing
the judgment and decree made in O,S.No.697 of 1992 dated 25.10.2000
on the file of the District Munsif Court Tirunelveli.

ORDER:- This Petition coming on for orders on this day and upon
perusing the petition and the affidavit filed in support thereof and
this Court made the following order:

This application is filed to set aside the dismissal order
passed by this Court, dated 10.03.2016 and to restore the appeal.

2.It is represented that the counsel on record appearing for
the petitioner died and therefore, Mr.T.Selvan, learned counsel
undertook to file the vakalat, but so far he has not filed any
vakalat. Cause list also indicates that notice also not taken for
R2 to R4 and R6 & R7 and batta also not paid, therefore this
petition is dismissed for default. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

AM

TO

1. The Principal Subordinate Judge, Tirunelveli.
2. The District Munsif, Tirunelveli.

ORDER DATED : 14/06/2023

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ORDER

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CMP (MD) . No.5656 of 2016

in

S.A.No.2088 of 2001

SI (05.07.2023) 3P/ 3C