



CMP(MD). No.16221 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Sixth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CMP(MD). No.16221 of 2023

in

SA(MD).No.10 of 2023

1.Ponnusami

2.Alagu Muthaiah

... Petitioner/ Appellant

Vs

1 1.Selvanayagam,(Died),

2 Paul Thai

3 Ebenezer

4 S.Samson

5 Backiyavathi

6 Selva Sironmani

... Respondent/Respondent

Prayer :-

Civil Miscellaneous Petition filed under order 41 Rule 19 of C.P.C., to Restore the Second Appeal in SA.No. 10 of 2003 which was dismissed for default for non appearance on 13.04.2023 and thus render justice.

Prayer in SA.No. 10 of 2003:

Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 25.09.2001 passed in A.S.No.12 of 2001 by the learned Principal Sub Judge, Tenkasi and I.A.No. 139 of 2001 confirmed the judgment and decree dated 22.12.2000 passed in O.S.No. 607 of 1995 by the District Munsif, Tenkasi.

ORDER:- This Civil Miscellaneous Petition oimg on for orders on this day and upon



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perusing the petition and the affidavit afiled in support thereof and upon hearing the arguments of Mr.K.Rajmahendran, Advocate for the Petitioner and of Mr.D.Nallathambi Advocate for Respondents No 2 to 6, this Court made the following order:

Heard both sides.

2. The learned counsel appearing for the respondents 2 to 6 has no serious objection.

3. Accepting the reasons stated in the affidavit, this petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/12/2023

Sub Assistant Registrar(CS)

TO

1.The principal Sub Judge, Tenaksi.

2.The District Munsif, Tenkasi

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai



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2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 06/12/2023

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ORDER

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in

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Giving direction and etc.
as stated within.

KB(15.12.2023) 3P 6C



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Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.