



WEB COPY



CMP(MD) NO. 11365 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CMP(MD) NO. 11365 of 2022

1. Srinivasan,
S/o. M.B.Seshaien
Door No.192
East Veli Street
Madurai -625001.

Petitioner(s)

Vs

1. M.B.Seshaien(since deceased)
S/o. Balusamy Iyer
Door No.192
East Veli Street
Madurai-625001.
2. M.S.Mohanram

S/o. M.B.Seshaien
Door No.192
East Veli Street
Madurai-625001.

3. M.S.Subramanian
S/o. M.B.Seshaien
Door No.192
East Veli Street
Madurai-625001.

4. M.S.Nagarajan
S/o. M.B.Seshaien
Door No.192
East Veli Street
Madurai-625001.



5. Ramaiya
S/o. chinnaia
Pudur Village
Tirumayam Taluk
Pudukottai District.

6. R.Kanthimathi
W/o. Ramakrishnan
Pillayrpatti Village
Tirumayam Taluk
Pudukottai District.

7. P.s.Singaram
S/o. Poochi Konar
Melanilai Village
Tirumayam Taluk
Pudukottai District.

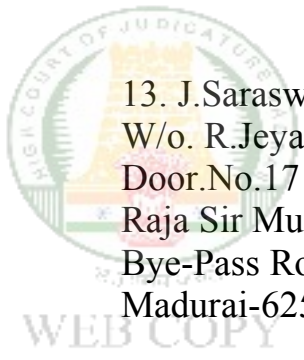
8. N.N.Geetha
W/o. Nagarajan
Plot No. 189
K.K.Nagar
Madurai-625020.

9. S.Nagarajan
S/o. Solaiappan
Plot No. 189
K.K.Nagar
Madurai-625020.

10. S.Rajam Sehuraman
(since deceased).

11. Karpagam Ammal(died)
W/o. V.Jawaharlal
Door No. 27
Aroock Shop Street
New Kuyavar Palayam
Madurai.

12. Sumathi
W/o. K.Kannan
Plot No. 126
Karpaga Nagar
K.Pudur
MAduri-625007.



13. J.Saraswathi
W/o. R.Jeyaraman
Door.No.17
Raja Sir Muthiah Nagar
Bye-Pass Road
Madurai-625010.

14. A.Ramaiya
S/o. Arumuga Mudaliar
Door No.69
4th Street
Ward No.17
Senkottai Taluk
Tirunelveli District.

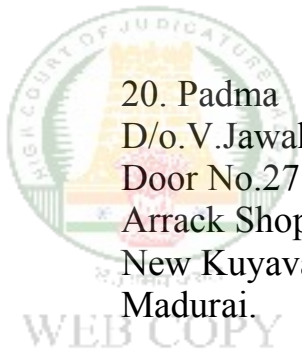
15. Nallammal
W/o. A.Ramaiya
door No.69
4th street
Ward No.17
Senkottai Taluk
Tirunelveli District.

16. N.Sethuraman
H/o. Rajam Sethuraman. Door No. 93
North Masi Street
Madurai.

17. S.Ramesh
S/o. N.Sethuraman
Door No. 93
North Masi Street
Madurai.

18. S.Pradeeba
D/o. N.Sethuraman
Door No. 93
North Masi Street
Madurai.

19. S.Gunasankar
S/o. N.Sethuraman
Door No. 93
North Masi Street
Madurai.



20. Padma
D/o.V.Jawaharlal
Door No.27
Arrack Shop Street
New Kuyavar Palayam
Madurai.

20th Respondent is brought on record as LR of the deceased 11th Respondent vide court order dated 03.11.2025 made in CMP(MD) No.16016 of 2025 in AS(MD)No.36 of 2006.

Respondent(s)

For Petitioner(s): M/s.H.Arumugam

For Respondent(s): Mr.N.Satheesh Baby for R2 to R4

Mr.D.Nallathambi for R8&R9

Mr.S.Venkatesh for R19

Mr.S.Ramesh for R16

Prayer: Pleased to set aside the order dated 13.10.2022 made in A.S.(MD).No.36 of 2006 dismissing the First Appeal for non-Prosecution and restore the same on the file of this Court.

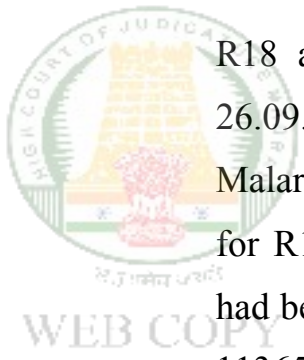
ORDER

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

This petition has been filed to set aside the order dated 13.10.2022, by which order, the first appeal was dismissed for non prosecution.

2. We had directed notice to the respondents. We had considered the notice issued for the hearing date 03.11.2025 and we had passed the following order:

“Consequent to the orders passed in CMP(MD) No.16016/2025, Registry may carry out necessary amendment indicating that R11 has died and that R20 – proposed respondent is her legal representative. Further, we had directed the notice through paper publication for R12, R14, R17 and



R18 and in this regard CMP(MD)No.16100/2025 had been allowed 26.09.2025. A copy of the paper publication with respect to R14 in Malar Nellai Edition dated 02.10.2025 and a copy of the paper publication for R12, R17 and R18 in Malai Malar, Madurai Edition dated 02.10.2025 had been filed. The said respondents are set exparte as far as CMP(MD) No. 11365/2022 is concerned.

For filing counter by any of the other respondents, call on 06.11.2025.”

3. The learned counsel for the respondents are present today. However, they have not raised any serious objections.

4. A perusal of the affidavit filed in support of the petition shows that the learned counsel for the appellants was an inpatient in Meenakshi Mission Hospital and Research Centre from 13.09.2022 and discharged on 25.09.2022 and was not able to attend the Court owing to such reasons and though such reason was advanced, the appeal was dismissed for non prosecution. We are satisfied with the bonafide of the reason advanced. Petition stands allowed and the appeal suit stands restored to file. List the appeal for argument on 04.12.2025.

(C.V.KARTHIKEYAN J.) (R.VIJAYAKUMAR J.)
06-11-2025

RR