



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Third day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.1825 of 2017

IN

AS No.532 of 1993

1 G.ABDUL AZIZ (DIED)

2.A.KHAJA MAINUDDEEN (DIED)

3.S.SHAHICK HAQUE

4.K.RUXANA

5.K.MOHAMED ABBAS

... PETITIONER/PROPOSE APPELLANT

Vs

1 SOPHIA BIBI (DIED)

2 OMANDUR

3 RAMAKRISHNA REDDIAR

4 S.SIRAJ

5 S.DAMODARAN

6 K.MOHAMED IMTHIAZ AHAMED

7 K.ABDUL KHADAR

8 M.MOHAMED ILIAS

... RESPONDENTS 1 TO 8/

RESPONDENTS 1 TO 8

9 NASEEMA BEGAM

10 SHAMEEM BEGAM

11 SHAKEELA BEGAM

12 S.A.AZARA THAPUSUM

13 A.K.IQBAL AHAMED

... RESPONDENTS 10 TO 13/

RESPONDENTS 10 TO 13

14 NAJMUNISA BEGAM

... 14TH RESPONDENT/

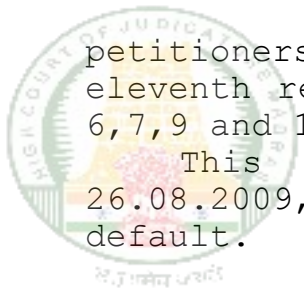
PROPOSED RESPONDENT NO.14

Petition filed order 41 Rule 19 of CPC to set aside the order dated 26.08.2009 and restore the A.S.No.532 of 1993 which is dismissed for default on 26.08.2009

Prayer in AS No.532 of 1993:-

Appeal suit filed under Section 96 and order 41 Rule 1 of CPC, to set aside the Judgment and Decree made in O.S.No. 217 of 1984, dated 21.01.1993 on the file of the Principal Subordinate Judge, Tiruchirapalli.

ORDER : This petition coming on for hearing on this day upon perusing the petition and affidavit filed in support thereof and upon hearing the arguments of MR.A.ARUMUGAM, Advocate the



petitioners and MR.K.S.SANKAR MURALI, Advocate for the fourth and eleventh respondents and MR.R.SUBRAMANIAN, Advocate for Respondents 6,7,9 and 10 and this court made the following order:-

This petition is filed to set aside the order, dated 26.08.2009, and to restore the above appeal which was dismissed for default.

2. Heard the learned counsel appearing for the petitioners.

3. This petition is not seriously opposed. This Court is satisfied with the reasons assigned by the petitioners in the affidavit filed in support of this petition.

4. Having regard to the facts narrated in the affidavit filed in support of this petition, this Court is inclined to accept the explanation and convinced that sufficient cause has been shown for the non-appearance. Hence, in the interest of justice, this petition is ordered.

sd/-

Assistant Registrar(CS-II)

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE PRINCIPAL SUBORDINATE JUDGE, TIRUCHIRAPPALLI.

Copy To:The Section Officer,Record Keeper,

V.R. Section, Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 03.03.2017

ORDER

CMP(MD) No.1825 of 2017

IN

AS No.532 of 1993

Direction given stated
within etc.,

CSL/RR/SAR-III/14.03.2017 : 2P/3C