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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Twenty Ninth day of April Two Thousand and Nineteen
CORAM:

The Hon.ble Mrs.Justice J.NISHA BANU

CMP(MD). NoS.4300 and 4301 of 2019
in
SA(MD) SR.Nos.23275 AND 23278 of 2010

MINOR.VASUKI, REP.BY MOTHER & GUARDIAN KANNE PA PA

... Appellant/4th Respondent/2nd Defendant in CMP(MD)
No.4300 of 2019
...Appellant/1st Respondent/1st Plaintiff in CMP(MD)
No.4301 of 2019

Vs

1 CHELLADURAI

2 VAIRAM

3 ARUMUGAM

MURUGESAN (DIED)

4 KAMARAJ

5 MUTHANNA NATTAR

6 MANICKAM SETHURAYAR

7 MALARVIZHI

8 MANOHAR

...Respondents/3rd Respondent /Appellants 5,7 to 11/Respondents/
3rd Plaintiff,1,3,5,6 Lrs of the 2nd Plaintiff
in CMP(MD).Nos.4300 of 2019

1 VAIRAM

NACHARAMMAL (DIED)

KUMUDAVALLI (DIED)

2 ARUMUGAM,

MURUGESAN (DIED)

3 KAMARAJ,

4 MUTHANNA NATTAR,



5 CENTRAL CO-OPERATIVE BANK LTD. SRIRANGAM REP BY ITS MANAGER
HAVING HIS OFFICE AT SRIRANGAM TIRUCHIRAPALLI-6.

6 INDIAN OVERSEAS BANK, LALGUDI, REP.BY ITS MANAGER HAVING HIS
OFFICE AT SRIRANGAM TIRUCHIRAPALLI-6.

7 INDIAN OVERSEAS BANK, THIRUVANAIVKOVIL REP.BY ITS MANAGER HAVING
OFFICE AT THIRUVANAIVKOIL TIRUCHIRAPALLI-5.

8 INDIAN BANK, MARKET BRANCH, REP.BY ITS MANAGER HAVING OFFICE AT
GANDHIMARKET TIRUCHIRAPALLI-8.

9 SELLADURAI,
10 MANICKAM SETHURAYAR

11 MALARVIZHI

12 MANOHAR

...Respondents/Appellants 4,6 to 15/Respondents/1st
Defendant/Defendants 4, 6 to 15 in CMP(MD).Nos.4301 of 2019

Prayer in CMP(MD). NoS.4300 and 4301 of 2019 :-

Civil Miscellaneous Petitions are filed under Order 41 Rule 19
of Civil Procedure Code, praying this Hon'ble Court to pass an order
restoring the appeal which was in S.R.Stage in SA(MD)S.R.Nos.23278
and 23275 of 2010 which was dismissed for default on 08.02.2017
respectively.

Prayer in SA(MD).Nos.23275 AND 23278 of 2010 :

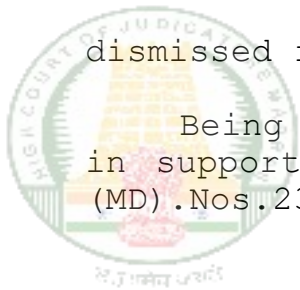
Second Appeal are filed under section 100 of Civil Procedure
Code, praying this Hon'ble Court against the decree and judgment
dated 30.10.2009 passed in A.S.Nos.281 and 280 of 2008 made by the
Principal District Judge, Trichirappalli reversing the judgement and
decree dated 28.09.2000 made in O.S.Nos.686 and 527 of 1990 made by
the Subordinate Judge, Trichirappalli respectively.

ORDER:-

Civil Miscellaneous Petitions are coming on for hearing on
this day and upon perusing the petition and the affidavit filed in
support thereof and upon hearing the arguments of Mr. S.K.MANI,
Advocate for the Petitioner, Mr. G.SRIDHAR FOR R3 and of Mr.
L.S.M.Mohamed Kadar, Advocate for the 8th Respondent, this Court made
the following order:

Heard.

These Petitions have been filed by the petitioners seeking to
restore SA(MD).Nos.23275 and 23278 of 2010 on file, which were



dismissed for default on 08.02.2017.

Being satisfied with the reasons stated in the affidavit filed in support of the petitions, these petitions are allowed and SA (MD).Nos.23275 AND 23278 of 2010 are restored to file.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

TO

1 The Principal District Judge, Trichriappalli

2 The Subordinate Judge, Trichirappalli

Copy to

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

ORDER DATED : 29/04/2019

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RESTORED

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CMP (MD). NoS.4300 and 4301 of 2019
in

SA (MD) SR.Nos.23275 AND 23278 of 2010

Giving direction and etc.
as stated within.

KK/SAR/03.05.2019/ 3P- 4C