



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Thirteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) . No.1202 of 2020

in

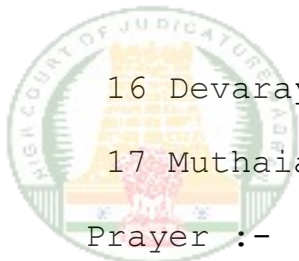
S.A.(MD) No.35 of 2015

D. Rajamanickam,
D.Jeyaraj,
D.Selvaraj,
C.Jegadeeswaran,
C.Rameela Devi,
C.Usha Devi,
C.Vairamani,

... Petitioners/Appellants

Vs

- 1 Sri Muthaiah Swamy Deity,
Rep by its Trustees
M.Muthukrishnan
S/o. Mahalingam
- 2 M.Balasubramanian,
- 3 Manickavasagam,
- 4 Vasuki Ramanathan,
- 5 Tamilarasi Swaminathan,
- 6 Mahalingam,
- 7 N.Muthupandian(Died)
- 8 Aandavar Kulandhai,
- 9 Aandavar Pillai,
- 10 Aandavar Puthiran,
- 11 Pushpalatha,
- 12 Kamatchi,
- 13 Muthukumaran,
- 14 Arumugam,
- 15 Senthilnathan,



16 Devarayan,

17 Muthaiah,

... Respondents/Respondents

Prayer :-

This petition filed under order 41 rule 19 of C.P.C. to set aside the order of dismissal of the SA.No.35 of 2015 for non prosecution dated 13.01.2020 and restore the same on the file of this Honble Court and thus render justice.

Prayer in SA(MD). 35/ 2015 :

Second Appeal filed under section 100 of Civil Procedure Code, to set aside the judgment and decree of the lower Appellate Court dated 13.10.2014 passed in A.S.No.23 of 2014 on the file of the Subordinate Judge(Camp Court) Thirumangalam confirming the judgment and decree dated 11.12.2013 passed in O.S.No.128 of 1997 on the file of the District Munsif Court Thirumangalam.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.V.Venkataseshan, Advocate for the Petitioners/Appellants, Mr.E.T.Rajendran Advocate for the Respondents 2 to 6, Mr.V.Kalyanasundaram Advocate for the Respondents 11 to 17 and of Mr. V.Meenakshi Sundaram Advocate for the Respondents 8 to 10, this Court made the following order:

"The Learned counsel appearing for the respondent has no objection in allowing the petition.

This petition is Ordered.

Post the appeal on 19/2/2020 as the First case in the Final hearing caption."

Sd/-

Assistant Registrar(AD-I)

// True Copy //

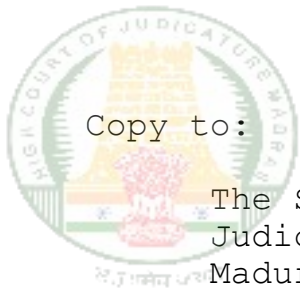
/ /2020

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge(Camp Court) Thirumangalam

2. The District Munsif, Thirumangalam



Copy to:

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

WEB COPY

ORDER DATED : 13/02/2020

=====
ORDER
=====

CMP(MD) . No.1202 of 2020
in
S.A.(MD) No.35 of 2015

Setting the order of this Court
dated 13.01.2020 and made in
S.A(MD)No.35 of 2015 and
restoring the same to file.

KM(CO)
TR(17.02.2020) 3P 4C