



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Seventeenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

C.M.P. (MD) . No.9259 of 2019

in

S.A. No. 1037 of 1998

1. Kuthabaksh (Died)
2. K. Saleem
3. K. Haleem
4. K. Haseena Banu
5. K. Nayeem
6. K. Shaina Banu

...Petitioners/Appellants

Vs

- 1 Velu Thevar(Died)
- 2 Ramu Ammal,
- 3 Murugesan,
- 4 Amirthan,
- 5 Dhanalakshmi
- 6 Kumaresan,
- 7 Rajakumar,
- 8 Arulkumar,
- 9 Jothi

... Respondents/Respondents

Prayer in C.M.P.(MD) . No.9259 of 2019:-

Petition filed under order 41 rule 19 of CPC., to set aside the order dated 09.07.2018 in SA.No.1037 of 1998 passed as against the 5th respondent by this Honble Court in dismissing the above Second Appeal and restore the same.

Prayer in C.M.P.(MD) . No.9259 of 2019:-

This Second Appeal filed under Section 100 of C.P.C., against the judgment and decree in AS No.49/1996 on the file of the I Addl. Subordinate Judge, Madurai dt.30/9/1997 reversing the judgment and decree in O.S.No.377/1989 dt.21/7/1995 on the file of the District Munsif, Madurai.

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. g. Prabhu Rajadurai, Advocate for the Petitioners and of Mr.G. Aravindan, Advocate for the respondents, this Court made the following order:



This petition has been filed to set aside the order dated 09.07.2018 made in S.A.No.1037 of 1998 passed as against the 5th respondent in dismissing the Second Appeal and restore the same.

2. The learned counsel appearing for the respondents submitted that the respondents 2 to 4 and 6 have no objection in allowing this petition.

3. Recording the same, this petition is allowed.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The I Additional Subordinate Judge, Madurai.
2. The District Munsif, Madurai.

Copy to:

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

2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

ORDER DATED 17.02.2020

ORDER

C.M.P. (MD) . No.9259 of 2019
in
S.A. No. 1037 of 1998

Giving direction and etc. as
stated within.

PK (CO)
TR (06.03.2020) 2P 6C