



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Twenty Second day of February

Two Thousand and Twenty One
PRESENT

The Hon'ble Mr. Justice N. SATHISH KUMAR

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C.M.P. (MD). No. 886 of 2021
in
A.S. No. 1024 of 1993

O.M.S. Abdul Basith Alim Sahib (Died)

1. O.M.A. Dhanaullah.

2. O.M.A. Udhuman Mydeen ... Petitioners/Proposed Respondents

Vs

O.M.S. Sheik Uduman Alim Sahib (died)

... Appellant in AS. No. 1024/93

1. O.M.S. Hasan Makdoom

2. O.M.S. Abdul Wahith

3. O.M.S. Habeebullah

Prayer in C.M.P. (MD). No. 886 of 2021:- Petition filed under Order 41 Rule 19 of CPC., to restore the first appeal in A.S. No. 1024 of 1993, which was dismissed by this Hon'ble court on 21/12/2020.

Prayer in A.S. No. 1024 of 1993:-

Appeal suit is filed under section 96 of CPC, against the judgment and decree dated 05/08/1993 in O.S. No. 138 of 1989 on the file of the Subordinate Judge, Tenkasi in Tirunelveli, Kattabomman District.

ORDER:- This Petition 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. Niranjan S. Kumar, Advocate for the Petitioners and the respondents not appeared either in person or by an Advocate and this court made the following order;

This petition has been filed to restore the first appeal in A.S. No. 1024 of 1993, which was dismissed by this Court on 21.12.2020.

2. Heard the learned counsel for the petitioner.

3. Though private notice was served on the respondents and their names have been printed in the cause list, none appears on behalf of them.



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4. Having regard to the nature of the allegations and in order to give a fair opportunity to the parties to agitate their right in the appeal suit, this application is ordered and the Appeal Suit is restored on file. All the interim order already granted are ordered to be revived.

// True Copy //

Sd/-

Assistant Registrar (AE)

/ /2021

Sub Assistant Registrar(CS)

TO

The Subordinate Judge , Tenkasi.

+1 CC to M/s NIRANJAN S.KUMAR, Advocate, in SR.No.6598.

ORDER DATED : 22/02/2021

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ORDER
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CMP. (MD) .No.886 of 2021
IN
A.S.No.1024/1993

Giving direction and etc.
as stated within.

AP(23/02/2021) 2P 3C