



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Twenty Third day of September Two Thousand Twenty One

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CMP(MD) . No.7735 of 2021

in

SA (MD)485 of 2012

1.Chellappa
2.Esakkiammal

... Petitioners/Appellants

Vs

M. Arumugam

... Respondent/Respondent

Prayer :- CMP(MD) . No.7735 of 2021

This Civil Miscellaneous petition filed under section 151 of CPC to recall the order passed in the above Second Appeal in SA(MD)No.485 of 2012 dated 01.04.2021.

Prayer:- SA(MD) .No.485 of 2012:- This Second Appeal filed under section 100 of Civil Procedure Code, against the Judgment and Decree dated 18/09/2002 in A.S.No.8/2002 on the file of the Learned 2nd Additional sub-court, Tirunelveli in reversing the Judgment and Decree dated 19.11.2001 in O.S.No.89/2000 on the file of the learned the Principal District Munsif Court, Tirunelveli.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.H.Arumugam, Advocate for the Petitioner and of Ms.D.Nallathambi, Advocate for the respondent, this Court made the following order:

The second appeal was dismissed as withdrawn on 01.04.2021. The learned counsel appearing for the appellants had in fact enclosed a letter said to have signed by the appellants. The appellants now allege that two of their sons have played fraud on them. The learned counsel appearing for the appellants states that he would be satisfied, if the order dismissing the second appeal as withdrawn is recalled. He would not press the allegations against the respondent. The said submission is recorded.

2. The Order dated 01.04.2021 is set aside and recalled. S.A. (MD)No.485 of 2012 is restored to file.



3. List the second appeal on 20.10.2021.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The 2nd Additional Subordinate Judge, Tirunelveli.

2.The Principal District Munsif, Tirunelveli.

Copy to:

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

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 23/09/2021

NEXT HEARING DATE : 20/10/2021

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ORDER

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CMP(MD) . No.7735 of 2021

in

SA(MD).No.485 of 2012

Giving direction and etc.
as stated within.

RK (04.10.2021) 2P 6C