



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Monday, the Nineteenth day of July Two Thousand and Twenty One

WEB COPY

PRESENT

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

**CMP(MD) . Nos.11019, 11020 and 11022 of 2019
in
SA(MD) .No.337 of 2012**

Subramanian ... Petitioner/Appellant

Vs

1 Murugesan

2 Ramasamy (Died) ... Respondents/Respondents

3 R.Chinnapillai

4 A.Vellaiammal

5 V.Jothilakshmi ... Proposed Respondents No.3 to
5/ Respondents No.3 to 5

Prayer CMP(MD) . 11019/ 2019 :

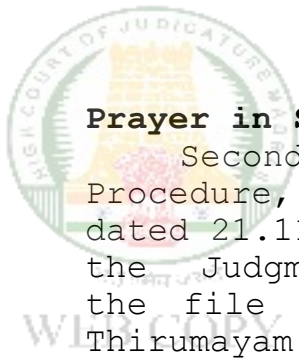
Civil Miscellaneous Petition filed under Order 41 Rule 19 of Code of Civil Procedure, to set aside the order dated 22.04.2019 passed in CMP(MD)No.3039 of 2019 in SA (MD)No.337 of 2012 and restore the same on the file of this Honourable Court and allow the same.

Prayer in CMP(MD) . 11020/ 2019 :

Civil Miscellaneous Petition filed under Order 41 Rule 19 of Code of Civil Procedure, to set aside the order dated 22.04.2019 passed in CMP(MD)No.3041 of 2019 in SA (MD)No.337 of 2012 and restore the same on the file of this Honourable Court and allow the same.

Prayer in CMP(MD) . 11022/ 2019 :

Civil Miscellaneous Petition filed under Order 41 Rule 19 of Code of Civil Procedure, to set aside the order dated 22.04.2019 passed in CMP(MD)No.3040 of 2019 in SA (MD)No.337 of 2012 and restore the same on the file of this Honourable Court and allow the same.



Prayer in SA(MD). 337/ 2012 :

Second Appeal filed under Section 100 of Code of Civil Procedure, to set aside the Judgment and Decree in A.S.No.30 of 2008 dated 21.11.2011 on the file of the Sub Court, Pudukottai confirming the Judgment and Decree in O.S.No.7 of 2000 dated 22.11.2007 on the file of the District Munsif cum Judicial Magistrate Court, Thirumayam by allowing this Second Appeal.

ORDER:- These Civil Miscellaneous Petitions 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.K.Baalasundharam, Advocate for the Petitioner, this Court made the following order:

The second Respondent in this second appeal passed away.

To set aside the abatement and to bring his legal heirs on record, CMP Nos. 3039 to 3041/2019 were filed. Notice was ordered in these petitions.

However, they failed to pay batta in the petitioner.

Therefore, CMP(MD) No. 3039 to 3041/2019 were dismissed.

To set aside the dismissal of these CMPs Nos 3339 to 3041/2019 this petitions have been filed

I am satisfied with the reasons set out in the affidavit filed in support of these petitions.

These petitions are ordered CMP(MD) Nos. 3339 to 3041/2019 are restored to file.

Notice to the Proposed respondents returnable by 06.08.2021.

Private notice is also permitted.

Sd/-

Assistant Registrar (CS-II)

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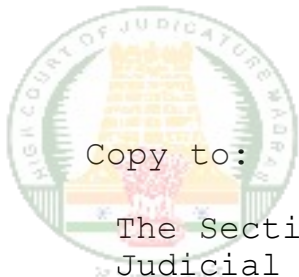
/ /2021

Sub Assistant Registrar(CS)

TO

1 The Sub Court, Pudukottai.

2 The District Munsif cum Judicial Magistrate, Thirumayam.



Copy to:

The Section Officer,
Judicial Notice Section,
Madurai Bench of Madras High Court, Madurai.
(Notice to the Proposed Respondents returnable
on 06/08/2021 in CMP(MD). Nos.3039 to 3041 of 2019)

ORDER DATED : 19/07/2021

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ORDER

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CMP(MD). Nos.11019, 11020 and
11022 of 2019
in
SA(MD).No.337 of 2012

Giving direction and etc.
as stated within.

LR (30.07.2021) 3P 4C