



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Twenty Fifth day of March Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) . No.4550 of 2021

in

AS.No.945 of 1997

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1.R.Susila (Died) ... 1st Petitioner/ 1st Appellant

2.Ramachandran ... 2nd Petitioner/2nd Appellant

Vs

1 T,V,Shanmugasundaram Pillai

2 B.Sampath

3 M/s.Moth and Sons, Through
its Proprietor Opp. Veeraraghava High
School South Main Road Thanjavur Town.

4 The Karur Vysya Bank, Through
its Branch Manager South Main Road
Thanjavur Town.

5 Ravi

6 Amsavalli

7 Jayakumar

8 Ravikumar

9 Rajagopalan ... Respondents/Respondents

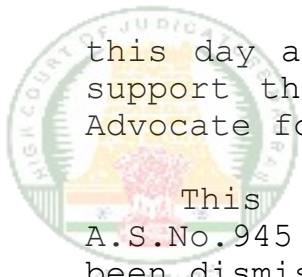
Prayer :- **CMP(MD) . No.4550 of 2021**

Civil Miscellaneous Petition filed Under Order 41, Rule 19 of C.P.C. to restore the above appeal in A.S.No.945 of 1997 in respect of the respondents 7 to 9 which has been dismissed for default on 08.04.2013 and pass such further or other orders, as this Hon`ble court may deems fit and proper in the circumstanes of the case and thus render justice.

Prayer :- As.NO.945/1997

Appeal suit filed under section 96 of Civil Procedure code appeal against the judgement and decree of the court of the Subordinate Judge, Thanjavur, dated 10/03/1993 made in O.S.No.56 of 1988

ORDER:- This Civil Miscellaneous Petition coming on for orders on
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this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.P.Senthil Advocate for the Petitioner this Court made the following order:

This petition has been filed to restore the appeal in A.S.No.945 of 1997 in respect of the respondents 7 to 9 which has been dismissed for default on 08.04.2013.

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2.On the side of the petitioners, it is stated that the second appellant is dead and the respondents 8 and 9 are the LRs of the second appellant. The first appellant also dead and nobody has come to proceed with the case on behalf of the first appellant. The respondents 8 and 9 are the LRs of the second appellant and they are to be transposed as appellants. Only after the transpose as appellants, the case can be proceeded with. To transpose the respondents 8 and 9 as appellants, the case against the respondents R7 to R9 to be restored.

3. In view of the unique circumstances, the case against the respondents 7 to 9 is restored and this Civil Miscellaneous Petition is allowed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

To

The Subordinate Judge,
Thanjavur

Copy to:

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

ORDER DATED : 25/03/2022
Hearing Date : 18/04/2022

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ORDER

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CMP(MD) . No.4550 of 2021
in

AS.No.945 of 1997
Giving direction and etc.
as stated within.

KB(18.04.2022) 2P 3C

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