



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty Second day of December Two Thousand Twenty Two

PRESENT

The Hon`ble Mr.Justice S.SOUNTHAR

CMP(MD) No.9264 of 2022
in
SA. No.263 of 1998

AROKIYAM S/O ROYAPPAN

... Appellant / Respondent /
Plaintiff

.Vs.

1 ELIAS (Died)
2 DEVADOSS
S/O MARIA AROKIAM
3 MASILAMANI (Died)

... 1st to 3rd Respondent/
Appellants / Defendants

4 Arokiyadoss @ Mokkan
5 Saveriyaar
6 Hema

... 4th to 6th Respondents

(Respondents 4th to 6th as LR's of the deceased 1st Respondent vide order dt.16.11.2022)

7 Mangayakarasi
8 Rani
9 Raja
10 Devi
11 Ravi

... 7th to 11th Respondents

(7th to 11th Respondents brought as LR's of the deceased 3rd Respondent vide order dated 16.11.2022)

Prayer in CMP(MD) No.9264 of 2022

This Miscellaneous petition is filed under Order XLI Rule 19 of Code of Civil Procedure to set aside the order of dismissal for default dated 03.04.2008 passed in S.A. No.263 of 1998.

Prayer in Second Appeal :-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 17.07.1997 made in A.S. No.64 of 1997 on the ground of the Subordinate Court, Thanjavur and to confirm the



Judgment and Decree dated 25.09.1996 made in O.S. No.20 of the file of the District Munsif, Thiruvaiyaru.

This Miscellaneous Petition coming for hearing on this day, upon perusing the petition and affidavit and material papers of this petition and upon hearing the arguments of Mr.T.Padmanabhan, Advocate for the petitioner and respondent not appeared either in person or by an Advocate, this court made the following order,

"Though the respondents served and their names appear in the list, there is no representation for the respondents.

Having satisfied with the reasons assigned in the affidavit filed in support of this petition, the same is ordered and the second Appeal is restored.

The Registry is directed to carry out amendment in grounds of the Second Appeal".

Sd/-

Assistant Registrar (CS I)

// True Copy //

/02/2023

Sub Assistant Registrar(CS)

To

- 1) The Subordinate Judge, Thanjavur
- 2) The District Munsif, Thiruvaiyaru.

Copy to:

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

ORDER DATED : 22/12/2022

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O R D E R

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ED(07.02.2023) 2P 4C

<https://www.mhc.tn.gov.in/judis>