



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Twenty Seventh day of October Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) . No.3469 of 2022

in

AS No.335 of 1998

1.Pangajam
2.Jeyakumar

... Petitioners/Appellants

Vs

1 Venkateswara Ettu
2 Ayyadurai Naicker
3 Ayyasamy Naicker
4 Pechiammal (Died)
5 Subbulakshmi (Died)
6 Thangalakshmi
7 Parimala (Died)
8 Kalavathi
9 Jeyalakshmi
10 Vijayalakshmi (Died)
11 Meena
12 Shanmugasundaram
13 Vijayamahalakshmi
14 Saraswathi
15 Bathrakumar

16 Balakumar



17 Bharathi

18 Chandrasekaran

19 Kumar

20 Malini

21 Raguraj ... 1 to 21 Respondents/ 1 to 21 Respondents

22 M. N. Lingaraj

23 R. Vijaya

24 L. M. Murali

... 22 to 24 Respondent/ Proposed Respondents (Lr's of the Deceased 5th Respondent)

Prayer :- CMP(MD) . No.3469 of 2022

Civil Miscellaneous petition is filed under order 41 Rule 19 of CPC To set aside order dated 11.03.2022 in A.S. No. 335 of 1998 and to restore the First Appeal A.S.No. 335 of 1998 on the file of this Honourable Court.

Prayer in As.335 of 1998

This Appeal Suit is filed under section 96 R/W Order 41 Rule I of CPC against the Judgment and decree dated 04/03/1996 passed in OS No.196 of 1989 on the file of the Subordinate Judge at Tuticorin.

ORDER:- This Civil Miscellaneous Petition 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.Govindarajan Advocate for the Petitioner and of Mr.M.P.Senthil, Advocate for the first Respondent and of Mr.N.Ramamoorthi Advocate for the 2nd and 3rd Respondents and of Mr.R.Murali Advocate for the 9th Respondent and of Mr.R.Devaraj Advocate for the 11th Respondents and of Mr.N.RAHAMADULLAH, Advocate for the 12th to 17th Respondents this Court made the following order:

The Civil Miscellaneous Petition has been filed seeking orders to set aside the order, dated 11.03.2022 in A.S.(MD)No.335 of 1998 and restore the same.

2.The learned counsel for the first respondent would submit that they have filed counter affidavit, but they are not having any serious objections to allow this petition. He would further submit that the matter may be listed for final disposal.



CMP(MD).



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3.The learned counsels for the other respondents would state that they are not having any objections to allow this petition.

4.Heard both sides and perused the records.

5. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed. Registry is directed to restore the appeal and list the same before this Court on 10.11.2022, for final disposal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
Tuticorin

Copy to:

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

ORDER DATED : 27/10/2022

Hearing Date : 10/11/2022

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Restore
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CMP(MD) . No.3469 of 2022
in
AS No.335 of 1998

Giving direction and etc.
as stated within.

RD(08/11/2022) 3P 3C