



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

Monday, the Tenth day of October Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE
CMP(MD)No.8530 of 2022
in
SA(MD) . No.843 of 2009

1 AYYALUSAMY, (DIED) ... Appellant / 1st Respondent /
1st Defendant

2 AMSAVENI
W/O. AYYALUSAMY, NO.2-22, MIDDLE STREET,
PULIANKULAM, KOVILPATTI TALUK, TUTICORIN
DISTRICT.

3 ACHANNA
S/O. AYYALUSAMY, NO.2-22, MIDDLE STREET,
PULIANKULAM, KOVILPATTI TALUK, TUTICORIN
DISTRICT.

4 RENGUGADEVI
W/O.KANNAN, NO.2-22, MIDDLE STREET,
PULIANKULAM, KOVILPATTI TALUK, TUTICORIN
DISTRICT.

(APPELLANTS 2 TO 4 ARE B/R AS LRS OF THE
DECD SOLE APPELLANT AS PER V.CO.OR.DT.

06/11/15 MADE IN MP.1/15 IN SA.843/2009 BY
CSKJ)

... 2nd to 4th Appellant / LR's of the
deceased sole appellant

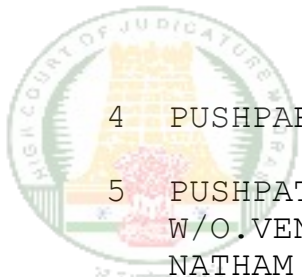
Vs

1 KRISHNAMMAL (DIED)

MEMO USR-1324/19, RECORDED order dated 12.3.19

2 NARAYANASAMY
S/O.PERUMALSAMY NAICKER, NO.16/3, EBENESAR
ILLAM, MOVER NAGAR, GOUNDAMPALAYAM,
COIMBATORE.

3 DHANASEKARAN



4 PUSHPARAJ

5 PUSHPATHAI

W/O.VENUGOPAL, KRISHNA NAICKANPATTI, VARICHA
NATHAM POST, NADAYANERI, VIRUDHUNAGAR TALUK
AND DISTRICT.

6 RANI

W/O.VENKATESH, 3RD CHEKKADI STREET,
KOVILPATTI, THOOTHUKUDI DISTRICT.

7 SANKARAJ

S/O.PERUMALSAMY NAICKER, NO.5/29,
LAKSHMIAMMAL PURAM, CHITHRAMPATTI POST,
SANKARANKOIL TALUK, TIRUNELVELI DISTRICT.

(R2 TO R7 SET EXPARTE) ... 2nd to 7th Respondents / 2nd
to 7th Respondents / 2nd to 7th Defendants

Prayer in CMP(MD) No.6317 of 2022 :-

This Miscellaneous Petition filed under order 41, Rule 19 of C.P.C, to restore the Second Appeal in S.A.(MD) No.843 of 2009 which was dismissed for non-adjudication on 15.07.2019.

Prayer in S.A.(MD) No.843 of 2009 :-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 20.07.2009 made in A.S. No.10 of 2009 on the file of the Subordinate Judge, Kovilpatti reversing the Judgment and decree dated 26.03.2007 made in O.S. No.242 of 2005 on the file of the Principal District Munsif, Sankarankovil.

ORDER:- This Miscellaneous Petition is 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.M.P.Senthil, Advocate for the Petitioner and of Mrs.M.Maria Vinola, Advocate for second to seventh respondent, this Court made the following order:

This Petition has been filed to restore SA(MD)No.843 of 2009, which was dismissed for non-adjudication on 15.07.2019.

2.Heard both sides.

3. This Court is satisfied with the reasons set out in the affidavit filed in support of this petition. Accordingly, this petition is allowed and SA(MD)No.843 of 2009 is restored.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/01/2023

Sub Assistant Registrar(CS)



SA(MD)



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To

- 1) The Subordinate Judge, Kovilpatti
- 2) The Principal District Munsif, Sankarankovil

Copy to:

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

ORDER DATED : 10/10/2022

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ORDER

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SA(MD) . No.843 of 2009

CMP(MD) No.8530 of 2022
in

SA(MD) . No.843 of 2009

Giving direction as stated
within.

RD(10/01/2023) 3P 4C