



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Fourteenth day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD). No.10208 of 2022
in

A.S.No.776 of 1989

1. S.R.Subramaniam ...1st Appellant

2. S.P.Vairamaniammal

3. S.B.R.Savithri Ammal

4. T.L.Lakshmikantham

5. S.S.Parimala

6. B.Geetha

7.R.Nirmala

8. Jayashree

9. S.S.Mahalakshmi

10.S.S.Varshini ...Petitioners 2 to 10/Appellants 2 to 10

(*Amended as per the order dated 22/07/2022 in M.P.NO.3 of 2015)

Vs

1 S.K.Kamalakshi Ammal,

2 S.K.Santhi ...Respondents 1 and 2/Respondents 1 and 2

3 S.L.Padmanaba Iyer ...3rd Respondent
(Died)

4 Meenakshi Sundareswarar
Koil Devasthanam ,
Madurai.

5 The Commissioner
Hindu Religious and Charitable Endowments
Board ,
Madurai.

6 R.B.Krishnamoorthy



7 R.B.Vasudevan

8 R.M.Rathinam

9 M/s.Farook Textiles

Represented by its Partner A.Umar Hasan

10 P.C.Velayutham

...Respondents 4 to 10/Respondents 4 to 10

11 S.S.Dhanalakshmi Ammal
(Died).

...11th Respondent

12 R.R.Vasanthi

13 K.G.Vijaya

...Respondent 12 & 13/Respondent 12 & 13

14 S.S.Subramanian
(Died)

...14th Respondent

15 M.S.Prema

16 S.S.Rajendran

17 S.S.Hariharan

18 S.S.Mohan

...Respondent 15 to 18/respondent 15 to 18

19 S.A.Kuppusamy
(Died)

...19th Respondent

20 S.A.Balakrishnan

21 S.A.Mohanran

22 S.B.A.Babusathyam

23 A.S.Vijyalakshmi

24 C.S.Meera

25 M.K.Prema

26 M.R.Krishnamoorthy
(Died)

27 M.R.Rajaram
(Died)

28 M.R.Thulasiram
(Died)



29 M.R.Mothilal
(Died)

...Respondent 26 to 29

30 Vardani

31 Sarojini

...Respondent30 and 31/Respondents 30 and 31

Prayer in CMP(MD). No.10208 of 2022 :-

This Civil Miscellaneous Petition is filed under Order 41 Rule 19 of Civil Procedure Code to set aside the order of dismissal for non-prosecution dated 03-08-2022 passed in A.S.No.776 of 1989 on the file of this Honourable Court and restore the same to file .

Prayer in AS No.776 of 1989:

Appeal Suit is filed under section 96 of the Civil Procedure Code, against the judgment and decree dated 15/11/1988 passed by the Additional Sub Judge, Madurai in O.S.NO.9 of 1983

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 M/s.Jessi Jeeva Priya, Advocate for the Petitioner and this Court made the following order:

This Civil Miscellaneous Petition has been filed to set aside the order dated 03.08.2022 made in A.S.No.776 of 1989, which was ordered to be dismissed for non-prosecution, and restore the same on file.

2. Heard the learned counsel appearing for the petitioners.

3. Considering the reasons assigned, this Civil Miscellaneous Petition is allowed and the Registry is directed to restore the appeal suit on file.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

TO

The Additional Sub Judge, Madurai



Copy to:

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

2. The Section Officer,
VR Section,
Madurai Bench of Madurai Bench of Madras High, Madurai.

ORDER DATED : 14/11/2022

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Restoration

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CMP(MD) . No.10208 of 2022
in

A.S.No.776 of 1989

Giving direction and etc.
as stated within.

SS/01/12/2022/ 4P 5C