



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
Civil Appellate Jurisdiction

Friday, the Ninth day of December Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mrs.Justice N.MALA

CMP(MD). No.10282 of 2022  
in  
A.S.(MD)No.33 of 2006

Seethalakshmi ... Petitioner/Appellant

Vs

1 Ramuthai

2 Saraswathi

... Respondents/Respondents

Prayer in CMP(MD). No.10282 of 2022:-

Civil Miscellaneous Petition filed Under Order 41 Rule 19 CPC to set aside the order dated 05-08-2022 dismissing the appeal AS (MD).No.33 of 2006 for default and re-admit the appeal suit for disposal on merit and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in A.S.(MD)No.33 of 2006:-

First Appeal filed under Section 96 of the Civil Procedure Code against the fair and decretal order made in I.A.No.25 of 1999 in O.S.No.23 of 1994, dated 27.06.2005, on the file of District Court, Sivagangai.

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. S. Srinivasa Raghavan, Advocate for the Petitioner and of Mr. M. Rajaraman Advocate for the 1<sup>st</sup> respondent, this Court made the following order:

"This petition is filed to set aside the order, dated 05.08.2022 dismissing the appeal for default and re-admit the appeal suit for disposal on merits.



2. The second respondent though issued with private address, the same was returned as no such addressee.

3. The learned counsel appearing for the first respondent fairly submits that he has no objections to allow this petition.

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4. In the light of the said submission of the learned counsel for the first respondent, the order, dated 05.08.2022 is set aside and the application is restored on file. The petition is allowed.

5. Registry is directed to list the appeal on 18.01.2023."

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

TO

1. The District Judge,  
Sivagangai.

Copy to:

1.The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

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

ORDER DATED : 09/12/2022

List on : 18/01/2023

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ORDER

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CMP(MD) . No.10282 of 2022  
in

A.S.(MD)No.33 of 2006

Giving direction and etc.  
as stated within.

RD/VRS (20/12/2022) 2P 5C

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