



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Tenth day of November Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CMP(MD). No.8554 of 2022

in

A.S. (MD) No. 105 of 2007

Sivakamasundari, ... Petitioner/ 1st Respondent
Vs

1. S.K. Krishnamoorthy (Died) ...1st respondent / Sole Appellant
2 Jeyalakshmi
3 S.K. Kalyanam
4 S.K. Karthikeyan
5 Shanthi Thiruganam ...Respondents 2 to 5 /
Respondents 1 to 4 /
Proposed Appellants

6 S.K. Dharmarajan (Died) ...2nd respondent
7 Ishwarya,
8 Seenivasan, ... Respondents 7 & 8/
Respondent 6 & 7/
Proposed Respondents

Prayer in CMP(MD). No.8554 of 2022 in A.S.(MD). No.105 of 2007 :-

This Civil Miscellaneous Petition filed under order 41 Rule 19 of CPC., to set aside the order passed in C.M.P. (MD). No. 828 of 2017 in A.S. No. 105 of 2007, dated 28.07.2022 and restore the appeal

Prayer in CMP(MD). No.828 of 2017 in A.S.(MD). No.105 of 2007:-

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act., to condone the delay of 580 days in filing to set aside and restore the above A.S. No. 105 of 2007

Prayer in A.S. (MD). No.105 of 2007:-

This Appeal Suit filed under Section 96 of C.P.C., against the judgment and decree dated 31.10.2006 made in O.S. No.289 of 2004 on the file of the Additional District Judge, Fast Track Court No.II, Tiruchirappalli.

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. P. Rohini, Advocate for the Petitioner and of the respondent are not appearing either in person or through by a Counsel, this Court made the following order:

This Civil Miscellaneous Petition has been filed to set aside



the order dated 28.07.2022 passed in C.M.P.(MD)No.828 of 2017 which was ordered to be dismissed for default, and restore the appeal on file.

2. Despite receipt of private notice, the respondents 2 to 5, 7 and 8 have not turned up.

3. Heard the learned counsel appearing for the petitioner.

4. Considering the reasons assigned, this Civil Miscellaneous Petition is allowed and the Registry is directed to restore the
(*) CMP(MD) No. 828 of 2017 on file.

Sd/-

Assistant Registrar (CS II)

**(*) Corrected as per Order in CMP(MD) No. 8554 of 2022 in
AS(MD) No.105 of 2007 Dated 02.12.2022, of this Court**

Sd/-

Assistant Registrar (CS II)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

TO

(*) To be substituted to the order already despatched on 22.11.2022

The Additional District Judge,
Fast Track Court No.II, Tiruchirappalli.

Copy to:

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

ORDER DATED : 10/11/2022

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ORDER

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CMP(MD). No.8554 of 2022
in

A.S. (MD) No. 105 of 2007
Giving direction and etc.
as stated within.

MGJ(18.11.2022) 2P 5C

<https://www.mhcn.org.in/> (18.11.2022) 2P 5C