



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twenty Fifth day of November Two Thousand and Twenty
Two

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) . No.8488 of 2022
in
AS(MD)No.97 of 2012

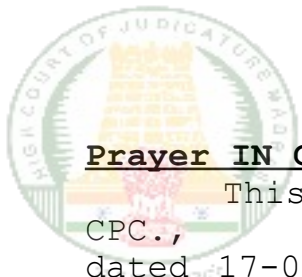
1. Raaviyathu Basariya
2. Syedu Fathimagani
3. M.M.V. Thangammal @ MohaMedhu Sulaihal,
4. Syed Ibrahim Levvai,
5. A.S.Yashmin Banu
6. A.S.Jemin Abdul Kafoor
7. Karuppiyah Alais Sekar
8. Kala

... Petitioners/Appellants

Vs

- 1 Syed Abubackar Badhusha Levvai
- 2 K.M.Mariam Bevi
- 3 Mumtaj Begam
- 4 Jannadhul Firdhoush Banu
- 5 A.S.Syed Raviya Ammal
- 6 A.S.Fayisathul Sidhikka Rani
- 7 A.S.Feroshkhaan Levvai
- 8 A.Amjith Husain Levvai
- 9 Ithrish Ibrahim Levvai
- 10 Saaliha Banu
- 11 Jahir Husain Levvai
- 12 Mohammethu Ibrahim Levvai
- 13 Samsunisha Begam
- 14 Kaathar Batcha Levvai
- 15 Thahir Suladhan
- 16 Syed Ibrahim
- 17 Mohammedhu Varusaigani Levvai
- 18 Mohammedhu Sulaiman
- 19 Fathima Jinna
- 20 Mumtaj Begam
- Through her Power Agent Abul Hasan
- 21 Jainambugani
- 22 Kulanthai @ Chidambram,
- 23 Samsunisha Begam

... Respondents/Respondents

**Prayer IN CMP(MD) 8488 OF 2022:-**

This petition filed under order 41 Rule 19 section 151 of CPC., To set aside the order of dismissal for non-prosecution dated 17-08-2022 and restore the above A.S.(MD).No.97 of 2012 and thus render justice.

Prayer in AS(MD) No.97 of 2012:-

This Appeal Suit filed under section 96 of C.P.C., against the judgment and decree passed in OS No.44 of 2005 on the file of the Additional District Court, Ramanathapuram.

ORDER:- This 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. M.Sengu Vijay, Advocate for the Petitioner and of Mr.Anwar Sameem, Advocate for the 7th Respondent, this Court made the following order:

The above Civil Miscellaneous petition has been filed to set aside the order dated 17.08.2022 made in AS(MD) no.97 of 2012 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.The learned Counsel appearing for the seventh respondent would submit that they are not having any objection to allow this petition.

4.Considering the above, this Civil Miscellaneous petition is allowed and the Registry is directed to restore the appeal on file.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

CSM
TO

The Additional District Judge,
Ramanathapuram.

Copy to:

1.The Section Officer,
V.R.Section,

Madurai Bench of Madras High Court, Madurai(2 Copies)

<https://www.mhc.tn.gov.in/judis>



CMP(MD).



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

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ORDER DATED : 25/11/2022

=====
Restored
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CMP(MD) . No.8488 of 2022
in
AS(MD)No.97 of 2012

Giving direction and etc.
as stated within.

AMS(19.12.2022) 3P 5C