



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

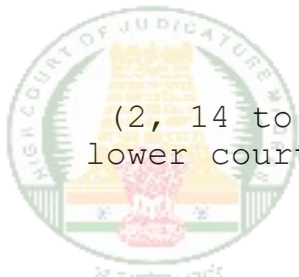
CMP(MD) . No.8478 of 2022
in
AS(MD)No.144 of 2014

A.S.Feroshkhaan Levvai

... Petitioner/Appellant

- Vs. -

1. Syed Abubackar Badhusha Levvai
2. K.M.Mariam Beevi
3. Mumtaj Begam
4. Raaviyathu Basariya
5. Syedu Fathimagani
6. M.M.V.Thangammal @ Mohamedhu Sulaihal,
7. Jennadhul Firdhoush Banu
8. Syed Ibrahim Levvai
9. A.S.Yashmin Banu
- 10.A.S.Syed Raviya Ammal
- 11.A.S.Fayisathul Sidhikka Rani
- 12.A.S.Jemin Abdul Kafoor
- 13.A.Amjith Hussain Levvai
- 14.Ithrish Ibrahim Levvai
- 15.Saaliha Banu
- 16.Jahir Husain Levvai
- 17.Mohammed Ibrahim Levvai
- 18.Samsunisha Begam
- 19.Kaathar Batcha Levvai
- 20.Thahir Suladhan
- 21.Syed Ibrahim
- 22.Mohammethur Varusaigani Levvai
23. Mohammed Sulaiman
24. Fathima Jinna
25. Mumtaj Begam,
26. Janinabugani
27. Kulanthai @ Chidambaram
28. Karuppaiah @ Sekar
29. Kala



(2, 14 to 21, 23, 24 and 30 Respondents Remained Ex-Parte in lower court. Hence notice may be dispense with.)

... Respondents/Respondents

Prayer in CMP(MD). 8478/ 2022 :-

This Civil Miscellaneous petition filed under order 41 Rule 19 of cpc., to set aside the order dated 17.08.2022 in A.S. (MD). No. 144 of 2014 for non prosecution and restore the same to the file of this Honourable Court for disposal on merits.

Prayer in AS (MD)144 of 2014:-

This Appeal Suit filed under section 96 of C.P.C., to allow the appeal by setting aside the judgment and decree passed in OS No.44 of 2005 on the file of Additional District Judge, Ramanathapuram dated 06.07.2012.

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. S.Anwar Sameem, Advocate for the Petitioner and of Mr. M.Sengu Vijay, Advocate, for R4 to 6,8 to 10, 12, 28 &29 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.144 of 2014 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 4 to 6,8 to 10 and 12 respondents 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 Court,
Ramanathapuram.

Copy to:

WEB COPY

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 : 25/11/2022

=====
Restored
=====

CMP(MD) . No.8478 of 2022
in
AS(MD)No.144 of 2014

Giving direction and etc.
as stated within.

AMS(19.12.2022) 3P 5C