



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Seventeenth day of November Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) . No.10530 of 2022
in
A.S.(MD)No.79 of 2007

R. Rajmohan

... Petitioner/Petitioner/Appellant

Vs

1 R.Kamalam

2 R.Manonmani,

3 R.Vennila

... Respondents/Respondents/Respondents

Prayer in CMP(MD) . No.10530 of 2022:-

This Civil Miscellaneous Petition filed under Order 41 Rule 19 r/w Sec.151.CPC to set aside the dismissal order dated 22-06-2022 passed in C.M.P(MD).No 2915 of 2022 in A.S.(MD)No.79 of 2007 and restore the same on the file of this Honourable Court and dispose the same.

Prayer in A.S. (MD)No.79 of 2007:-

Appeal Suit filed under Section 96 of Civil Procedure Code, to allow the Appeal and set aside the Judgment and Decree made in O.S.No.105 of 2004, on the file of the Additional District-cum-Sessions Judge(Fast Track Court), Dindigul, dated 13.03.2007.

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 Mr. M.C. Swamy, Advocate for the Petitioner and of Mr.H. Lakshmi Shankar, Advocate for the respondents 1 to 3, this Court made the following order:

The Civil Miscellaneous Petition has been filed to set aside the dismissal order, dated 22.06.2022 passed in C.M.P.(MD).No.2915 of 2022, in A.S.(MD)No.79 of 2007 and restore the same.

2.It is seen from the records that the petitioners' earlier



application in CMP(MD)No.8606 of 2022, to condone the delay of 33 days in filing the petition to set aside the dismissal order, dated 22.06.2022 made in A.S.(MD)No.79 of 2007, has already been allowed.

3.The learned counsel for the respondents has not raised any objections to allow this petition.

4.Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Civil Miscellaneous Petition is allowed. Registry is directed to restore the
(*)C.M.P(MD) .No 2915 of 2022.

Sd/-

Assistant Registrar (CS-II)

(*)Corrected as per the order in CMP(MD). No.10530 of 2022 in A.S.(MD)No.79 of 2007, dated 02/12/2022 of this Court

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

(*) To be substituted to the order already despatched on 29.11.2022

TO

The Additional District-cum-Sessions Judge(Fast Track Court),
Dindigul,

Copy to:

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

ORDER DATED : 17/11/2022

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ORDER

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CMP(MD) . No.10530 of 2022
in
A.S.(MD)No.79 of 2007

Giving direction and etc.
as stated within.

RD/AR(28/11/2022) 2P 5C

RD(14/12/2022) 2P 5C

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