



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty First day of September Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

CMP(MD) . No.8368 of 2022
in
SA(MD)134 of 2009

1. Mohammed Dorvesh (Died)

2. Ibrahim Babu
3. Asha Banu
4. Fatima Noori
5. Sakila Salamith
6. Sarthaj
7. Habibulla Khader
8. Mubarak Musthafa

.....Petitioners /Appellants

Vs

- 1 M. Jafarulla Khan
- 2 Jeyashree
- 3 Fatima
- 4 Syed Ibrahim
- 5 Samsudheen

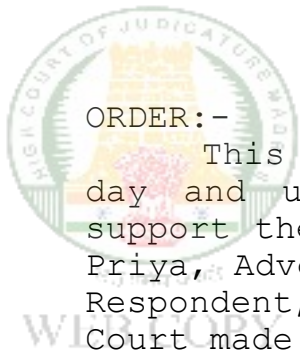
... Respondent/Respondent

Prayer :-

This Civil Miscellaneous Petition filed XLI Rule 19 of Civil Procedure Code, to set aside the order of dismissal for non-prosecution dated 21-03-2019 passed in S.A. (MD). No. 134 of 2009, and restore the same to file and thus render justice.

Prayer in SA(MD). 134/ 2009 :

This Second Appeal filed under section 100 of C.P.C., to set aside the decree and the Judgment dated 17.06.2008 rendered in AS.9 of 2006 on the file of the Additional District Judge, FTC.No.2, Tuticorin, modifying the decree and the Judgment dated 24.06.2004 rendered in OS.156 of 1995 on the file of the Sub Judge, Tuticorin, by allowing this Second Appeal and to grant such other relief or reliefs that this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.



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.P.Jessi Jeeva Priya, Advocate for the Petitioner and of Mr.M.R.Sreenivasan, first Respondent, Mr.M.P.Senthil Advocate for the third Respondent, this Court made the following order:

"This application is filed to set aside the order dated 21.03.2019 in SA(MD) No.134 of 2009, which was dismissed for non-prosecution.

2.Being satisfied with the reason stated in the affidavit filed in support of this petition, the same is allowed. SA(MD) No.134 of 2009 is taken on file. Today itself i.e., on 21.09.2022, this Court is inclined to take up the Second Appeal for disposal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

CM

TO

1.The Additional District Judge,
FTC.No.2, Tuticorin,

2.The Sub Judge, Tuticorin.

Copy to:

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

ORDER DATED : 21/09/2022

=====
RESTORED
=====

CMP(MD) . No.8368 of 2022
in
SA(MD)134 OF 2009

Giving direction and etc.
as stated within.