



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction



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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) . No.8456 of 2022
in
A.S. No. 636 of 2001

1. Haja Mydeen (Died) ... Petitioner/Appellant
2. Sabiya Beevi
3. Luqman
4. Aneesha
5. Nuhuman ... LR s of the Petitioner

(Petitioners 2 to 5 are brought on records as LR s
of the deceased sole petitioner vide court order
dated 18/08/2022 made in CMP(MD) No.7438
of 2022 in A.S. No.636 of 2001)

Vs

1 K.S.Sanjayan
2 G.Chandrasahsan
3 D.Samuvel (Died)
4 Mohammed Yusuf
5 Kamala Samuvel
6 S.Alex Arumairaj
7 S.Vijay Dharmaraj
8 S.Ranjith Durairaj ... Respondents/Respondents

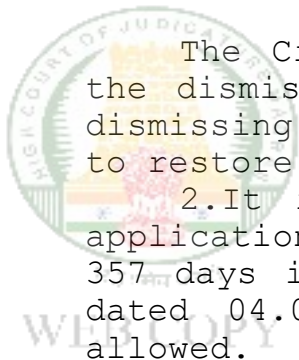
Prayer in CMP(MD) . No.8456 of 2022 in A.S. No. 636 of 2001:-

Petition filed under Section 41 Rule 19 of C.P.C., to set aside the order dated 04-09-2017 made in A.S.No.636 of 2001, dismissing the appeal against the 1st and 2nd respondents and to restore the appeal against the respondents 1 and 2

Prayer in A.S. No. 636 of 2001:-

This Appeal Suit is filed under Section 96 of the C.P.C., against the judgment and decree dated 04/01/2001 passed in O.S. No. 260 of 1994 on the file of the learned Additional Subordinate Judge, Nagercoil.

ORDER:- This 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. Thiagarajan, Advocate for the Petitioner and of Mr. H. Thayumanaswamy, Advocate For Respondents 5, 7 & 8 and Mr. A . Arumugam, Advocate for 6th Respondent; this Court made the following order:



The Civil Miscellaneous Petition has been filed to set aside the dismissal order, dated 04.09.2017 made in A.S.No.636 of 2021, dismissing the appeal against the first and second respondents and to restore the appeal against the respondents 1 and 2.

2.It is seen from the records that the petitioners' earlier application in CMP(MD) No.9640 of 2018, to condone the delay of 357 days in filing the petition to set aside the dismissal order, dated 04.09.2017 made in A.S.No.636 of 2021, has already been allowed.

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

4.Considering the reasons assigned, this petition is allowed. Registry is directed to restore the appeal and list the same on 28.11.2022.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

TO

The Additional Subordinate Judge, Nagercoil.

Copy to:

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

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

ORDER DATED : 11/11/2022

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ORDER

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CMP(MD). No.8456 of 2022
Giving direction and etc.
as stated within.

MGJ/AR(22.11.2022) 2P 5C