



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Wednesday, the Fifth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) . No.1374 of 2023
in
SA(MD) No.133 of 2006

Machakkalai ... Petitioner/Appellant
Vs

1 Aryamala (Died)

2 R.Thirumalarajan (Died)

3 Gomathi

4 T.Indira

5 P.T.Mehala

6 P.T.Harini

7 P.T.Nanda Pandian, ... Respondents/Respondent 3 to 7

Prayer in CMP(MD)1514 OF 2023:-

This Civil Miscellaneous petition is filed under order 41 Rule 19 of C.P.C., to set aside the order dated 03.01.2023, passed in SA(MD) No. 133 of 2006 on the file of this Honourable Court and restore the same.

Prayer in SA(MD) No.133 of 2006:-

This Second Appeal is filed under section 100 C.P.C., filed against the decree and judgment dated 11/02/2005 made in AS(MD) No.8/2000 on the file of the Addl.District and Sessions Judge, Fast Track Court no.III, Madurai, confirming the decree and judgment dated 22/07/1999 made in OS No.1002 of 1982 on the file of the District Munsif, Tirumangalam.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and for the Petitioner as well as for the Respondents none appeared either in person or by an Advocate, this Court made the following order:

This petition has been filed to set aside the order dated 03.01.2023 passed in S.A.(MD).No.133 of 2006.



2. When the appeal came up for hearing on 03.01.2023, there was no representation for the appellant and the appeal is pending from 2006 and till 2023 the appellant was not ready to prosecute the appeal. Therefore, this Court has dismissed the appeal. Now, this petition is filed to set aside the order of this Court, dated 03.01.2023. Even today, the appellant is not ready to argue the matter. However, in order to give an opportunity to the appellant, this Petition is ordered on payment of cost of Rs.25,000/- (Rupees Twenty Five Thousand only) before the Registry to the credit of C.M.P. (MD).No.1374 of 2023 on or before 18.07.2023.

3. List the matter on **19.07.2023** for reporting compliance.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

AKV

TO

1.The Addl.District and Sessions Judge,
Fast Track Court no.III,
Madurai.

2.The District Munsif,
Tirumangalam.

Copy to:

1.The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

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

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



CMP(MD).



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4. Machakkalai,
S/o Late Rose Pinna Thevar,
A.Kokkulam, Chekkanoorani Post,
Thirumangalam Taluk, Madurai District.

+1. CC to M/S.G.VIDHYA MAHESAWARAN Advocate SR.No.10310

ORDER DATED : 05/07/2023

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ORDER

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CMP(MD) . No.1374 of 2023

in

SA(MD) No.133 of 2006

Allowed with cost.

RD(12/07/2023) 3P 8C