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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty First day of September Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

C.M.P.(MD)Nos.3591 and 3592 of 2022

in

S.A.Nos.1105 and 1106 of 2002

R.THIRUGNANASAMBANDAMOORTHY ... PETITIONER/ APPELLANT

Vs

1 N. DURAI

2 M. GOVINDARAJ

3 R. RAMADOSS

... RESPONDENTS/RESPONDENTS
in CMP(MD)No.3591 of 2022

1 R.RAMADOSS

2 N.DURAI

... RESPONDENTS/RESPONDENTS
in CMP(MD)No.3592 of 2022

Civil Miscellaneous petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order of dismissal of the Second Appeal in S.A. No. 1105 of 2002 dated 13.11.2019 as against the 2nd and 3rd Respondents and restore the Second Appeal as against the 2nd and 3rd Respondents.

Prayer in CMP(MD). 3592/ 2022 :

To set aside the order of dismissal of the Second Appeal in S.A. No. 1106 of 2002 dated 13.11.2019 as against the 1st Respondent and restore the Second Appeal as against the 1st Respondent.



Prayer in SA. 1105/ 2002 :

To prefer this Memorandum of Grounds of Second Appeal against the judgment and decree dated 20/12/2001 made in A.S.No.172 of 2001 on the file of the II Additional District Judges Court, Tiruchirapalli, confirming the judgment and decree dated 09.04.2001 in O.s.No.32 of 1990 on the file of the II Additional District Munsif Court, Tiruchirapalli.

Prayer in SA. 1106/ 2002 :

To prefer this Memorandum of Grounds of Second Appeal against the judgment and decree dated 20/12/2001 made in A.S.No.173 of 2001 on the file of the II Additional District Judges Court, Tiruchirapalli, confirming the judgment and decree dated 09.04.2001 in O.s.No.1437 of 1994 on the file of the II Additional District Munsif Court, Tiruchirapalli.

COMMON ORDER : These Civil Miscellaneous petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.KANNAN, Advocate for the petitioner in both the petitions and of Mr.R.DEVARAJ, Advocate on behalf of the Respondents in both the petitions, the Court made the following order:-

These petitions are filed to set aside the order of dismissal dated 13.11.2019 made in S.A.Nos.1105 and 1106 of 2002 as against the respondents 2 and 3 and the 1st respondent respectively on the ground that the appellant failed to pay batta for them.

2.Today, when the matter is taken up for hearing, the learned counsel for the petitioner / appellant submitted that if these petitions are ordered, he would pay batta immediately, for which, the learned counsel for the respondents has no objection.

3.In view of the above, these petitions are ordered and the appeals are restored

on file. Registry is directed to issue notice to the respondents 2 and 3 and the 1st



respondent respectively through Court as well as privately returnable by 27.11.2023.

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The petitioner / appellant is directed to pay batta regarding the respondents 2 and 3 and the 1st respondent respectively on or before 25.09.2023, failing which, the appeals stand dismissed as abated automatically without further reference to this Court.

4.Post the matter on 27.09.2023.

sd/-
21/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

YUVA
TO

- 1 THE II ADDITIONAL DISTRICT JUDGE, TIRUCHIRAPALLI
- 2 THE II ADDITIONAL DISTRICT MUNSIF, TIRUCHIRAPALLI.

COPY TO:
THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
C.M.P.(MD)Nos.3591 and 3592 of 2022
in
S.A.Nos.1105 and 1106 of 2002
Date :21/09/2023

SS/JGB/26/09/2023/3P/4C