



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twenty Second day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). No.10029 of 2023

IN

SA.1337 of 1996

1. Selvanayagam (Died),

... 1st Appellant

2. Sathianesan

... 2nd Petitioner/2nd Appellant

3. Gomathi

4. Jayasingh,

5. Bright,

Rani Premala, .

7 Edwin,

... Petitioners 4-7/ Appellant4-7

Vs

1. Nesayan (Died),

Rajaranjinamuthu (Died)

Palayyan (Died)

Thomas (Died)

Narayanan (Died)

... Respondents.1-5

2. Ramanujam

...2nd Respondent/6th Respondent

3 Sasikala,

4 Rajendra Babu,

5 P. Sali,

6 P. Margret,

7 Jayakumari,

... Respondents.3-7/proposed Respondents.7-11



8 Chellammal,(Died)

9 Ramani,

10 Kokilambal,

11 Ranganath,

12 Swornabai,

13 Subitha,

14 Babitha,

15 Binutha,

16 Binil Kumar,

17 Vijayanandaram,

18 Jayaram,

19 Hariram,

20 Parijatham,

21 Gayathri,

22 Malini,

... Respondents.9-22/
proposed Respondents.13-26

23 Samraj,

24 Inbaraj,

25 Sajila,

... Respondents 23-25/
proposed Respondents.27-29



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This Civil Miscellaneous Petition filed under order 41 rule 19 of CPC. to set aside the order dated 20.10.2022 passed by this Honourable Court in the above S.A. No. 1337 of 1996 and restore the above Second Appeal and thus render justice.

Prayer in SA 1337/1996

To prefer this Memorandum of Grounds of Second Appeal against the Judgement and Decree of learned District Judge, Nagercoil, K.K.District in A.S.No.19 of 1995 dated 9.4.1996 pursuant to the Judgement and Decree in O.S.No.109 of 1992 dated 6.3.1995 on the file of Subordinate Judge, Kulithurai.

ORDER:- This Revision/ Appeal 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 Ms. J.Chelladuraicaldwell, Advocate for the Petitioner and of Ms. P.Thiagarajan, Advocate for the 2&5th respondent(s), this Court made the following order:

Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is ordered.

2. The order dated 20.10.2022 in S.A.No.1337 of 1996 is hereby set aside and S.A.No.1337 of 1996 is restored to file.



3. List the appeal after two weeks.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

TO

1. THE PRINCIPAL DISTRICT JUDGE, NAGERCOIL.
KANYAKUMARI DISTRICT

2. THE SUBORDINATE JUDGE, KUZHITHURAI.
KANYAKUMARI DISTRICT

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(For Psoting the Appeal)



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Hon`ble Mr.Justice
KRISHNAN RAMASAMY
ORDER DATED : 22/08/2023

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ORDER

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CMP(MD). No.10029 of 2023
Giving direction and etc.
as stated within.

KB(04.09.2023) 5P 4C