



WEB COPY

CMP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Fourth day of July Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) . No.2701 of 2022

IN

SA(MD) 599 of 2022

Pathuhu Chinna Ibrahim

... Petitioner/Appellant

Vs

1 Malick Feroz Khan,

2 Ravoof Mister,

3 M.K. Shamsuddin,

... Respondent/Respondent

Prayer in **CMP(MD) . No.2701 of 2022:-**

Civil Miscellaneous Petition filed under 41 Rule 19 of the C.P.C. To set aside dismissal order dated 15.09.2021 for non-prosecution in S.A. (MD). No. 599 of 2006 and restore the appeal on the file of this court and thus render justice.

Prayer in SA(MD) . No.80 of 2016:-

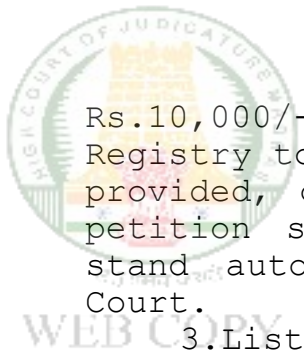
This Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908 against the Judgment and Decree of the Court of the Principal District Judge, virudhunager dated 25.11.2003 passed in A.S.No.31 of 2001 confirming the Judgment and Decree of the Court of the Subordinate judge, Srivilliputtur dated 12.02.2001 passed in O.S. No.84of 1997

ORDER:-

This 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. R. Ramadurai, Advocate for the Petitioner and of Ms. M. Thirunavukkarasu, Advocate for the 3rd respondent(s), this Court made the following order:

This application is filed to set aside the order of dismissal passed by this Court, dated 15.09.2021. Second respondent died and no steps have been taken to bring the legal representatives of the deceased second respondent and therefore, this petition is dismissed as abated as against the second respondent.

2. Though the reasons stated in the accompanying affidavit filed in support of the Petition are not satisfied, however, in order to give an opportunity to the appellant to prosecute the appeal, this petition is ordered with regard to the respondents 1 & 3 on condition that the petitioner shall deposit a sum of



Rs.10,000/- (Rupees Ten Thousand only) towards costs be
Registry to the credit of C.M.P(MD)No.2701 of 2022, within 10 days,
provided, on or before 13.07.2023 and on deposit of the same, the
petition shall stand allowed, failing which, the Petition shall
stand automatically dismissed without further reference to this
Court.

3.List the matter on 14.07.2023 for filing compliance report.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

am
TO

- 1.The Principal District Judge,
Virudhunagar.
- 2.The Subordinate judge, Srivilliputtur.

Copy to:

1. The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.
3. The Sub Assistant Registrar, A.E.Section,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 04/07/2023

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ORDER

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CMP(MD) . No.2701 of 2022

Giving direction and etc.
as stated within.

RD(10/07/2023) 2P 7C