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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Fourth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). No.3835 of 2022

in

SA(MD).No.276 of 2015

C.A.Karuppaiah (Died)

1. C.A. Adaikalam Kathan

2. C.A.Chidambaram

... Petitioners/ Appellants/ Appellants/ Plaintiffs

..Vs..

1 C.Sekar

2 R.Indra

3 Porkodi

S.Chinnavilavi (Died)

4 Subramanian,

5 Kasivisvanathan

... Respondents/ Respondents/ Respondents/ Defendants

Prayer :-

Civil Miscellaneous petition is filed U/s.151 of Civil Procedure Code To set aside the order dated 15.03.2022 by dismissing the second appeal in SA(MD). No. 276 of 2015 for non prosecution and restore the same.



Prayer in SA(MD).No.276 of 2015:

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Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree, dated 20.03.2014, made in A.S.No.83 of 2011, passed by the Sub Court, Pudukkottai, confirming the judgment and decree, dated 29.07.2011, made in O.S.No.50 of 2004, passed by the District Munsif cum Judicial Magistrate, Thirumayam.

ORDER:- This Civil Miscellaneous Petition is 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. K.Baalasundharam, Advocate for the Appellants and of Mr. N.Balakrishnan, Advocate for the Respondents No.1,2,3&5, this Court made the following order:

This petition is filed to set aside the order dated 15.03.2022.

2.The learned counsel appearing for the respondents 1,2,3 & 5 has no objection in allowing the application.

3. Being satisfied with the reasons stated in the accompanying affidavit, this



4. Post the matter on 17.10.2023 for final hearing.

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Sd/-

Assistant Registrar(CS III)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge,
Pudukkottai.

2. The District Munsif cum Judicial Magistrate,
Thirumayam

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(For Posting the matter on 17/10/2023)

ORDER DATED : 04/09/2023

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Restoration ORDER

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CMP(MD). No.3835 of 2022

in

SA(MD).No.276 of 2015

Giving direction and etc.
as stated within.

MGJ(09.10.2023) 3P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023