



CMP(MD) No.4787 of 2023

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

Thursday, the Fifth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD) No.4787 of 2023

IN

AS(MD) No.37 of 2017

R.JANAKIRAMAN

... PETITIONER/ APPELLANT

Vs

1. S.UMARANI

2. V.DHANALAKSHMI

3. S.SURIYAKALA

4 .D.PUSHPAVALLI

5. D.SENTHILKUMAR

6. D.SATHISH

... RESPONDENT/RESPONDENTS



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Prayer in CMP(MD). 4787/ 2023 :

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Civil Miscellaneous Petition is filed under order 41 Rule 19 of C.P.C., to set aside the order of dismissal for non prosecution dated 18-04-2022 in A.S.(MD).No.37 of 2017 and thus render justice.

Prayer in AS(MD). 37/ 2017 :

Appeal Suit filed under Section 96 r/w Order XLI Rule 1 of the Civil Procedure Code, against the judgment and decree passed in O.S.No.83 of 2011 dated 07.11.2016 on the file of the VI Additional District Court, Madurai.

ORDER : This Civil Miscellaneous petition coming up for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V. VIJAYASETHUPATHY, Advocate for the respondents No.1 to 3 and A.N.Ramanathan, Advocate for Respondents Nos. 4 to 6, this court made the following order:-

Being satisfied with the reasons stated in the affidavit, the petition seeking to restore the AS No.37 of 2017, which was dismissed on 18.04.2022 is allowed.



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2.Registry is directed to restore the main appeal back to file and post the appeal on 06.11.2023 for argument.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

To
The VI Additional District Judge,
Madurai.

Copy to:
The Section Officer(Judicial Posting),
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED: 05/10/2023

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ORDER

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CMP(MD)No.4787 OF 2023

in

AS(MD) No.37/ of 2017

Giving direction and etc.as stated within

DL/(16.10.2023)/ 3P/ 3C

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