



CMP(MD). No.8341 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Fifteenth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD)No.8341 of 2021

IN

SA(MD)No.842 of 2009

- 1.Natarajan (Died)
- 2.Sendhur Kani
- 3.Muthulakshmi
- 4.Murugammal
- 5.Ramamoorthy

... Petitioners 2 to 5/Proposed Appellants 2 to 5

Vs

- 1.Parasakthi
- 2.Muthukumar
- 3.Selvakumar
- 4.Ali Fathima
- 5.Sahul Hameed
- 6.Ayub Khan
- 7.Bhayesa
- 8.Jarina
- 9.Sabaran
- 10.Jiyavudeen

... Respondents/Respondents

Prayer in CMP(MD)No.8341 of 2024 :- Civil Miscellaneous Petition filed order 41, Rule 19 of C.P.C., pleaded to restore the Second Appeal in SA(MD)No.842 of 2009 which was dismissed as abated on 28.06.2019.

SA(MD)No.842 of 2009:- Second Appeal is filed under Section 100 of Civil Procedure Code, against the judgment and decree passed in A.S.No.105 of 2001 on

<https://www.mhc.tn.gov.in/judis>



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the file of the learned Additional District Judge (Fast Track Court-I), Thoothukudi, dated 05.05.2009 confirming the judgment and decree passed in O.S.No.508 of 1991 on the file of the learned District Munsif, Srivaikuntam, dated 20.08.1999.

ORDER:- This Civil Miscellaneous 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 Mr.M.P.Senthil, Advocate for the Petitioner, Mr.M.C.Swamy, Advocate for the Respondents 1 to 3 and of Mr.S.Sivathilakar, Advocate for the Respondents 4 to 10, this Court made the following order:-

Service has been completed. None appears for the respondents.

Considering the reasons stated in the affidavit filed in support of the petition, this petition is allowed. Registry is directed to list the second appeal for hearing on 17.10.2023.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/05/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

TO

1.The Additional District Judge,
Fast Track Court-I,
Thoothukudi.

2.The District Munsif,
Srivaikuntam.



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Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

2 THE SECTION OFFICER,
VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (2 Copies)

ORDER DATED : 15/09/2023

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ORDER

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CMP(MD)No.8341 of 2021

in

SA(MD)No.842 of 2009

Giving direction and etc.
as stated within.

MK/17.05.2024 3P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023