



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

Wednesday, the Fourteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.4218 of 2023

IN

AS(MD) No.177 of 2017

V.CHAKRAVARTHY

... APPELLANT / PLAINTIFF

Vs

1 SELVI

2 MINOR DEVA DHARIKA

3 MINOR SARAVANAVEL

... RESPONDENTS / DEFENDANTS

(2 AND 3 MINORS ARE REPRESENTED BY THEIR MOTHER AND
NATURAL GUARDIAN SELVI, THE 1ST RESPONDENT)

PRAYER IN CMP(MD) No.4218 of 2023:

This 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 21-04-2022 of the above appeal AS(MD).No.177 of 2017 and restore the same and thus render justice.

PRAYER IN AS(MD)No.177 of 2017:

Appeal filed under Section 96 read with order XL Rule 1 of C.P.C.1908, against the judgment and decree dated 26.04.2017 in O.S.No.18 of 2014, on the file of Principal District Judge, Tiruchirappalli.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Ramesh, Advocate for the petitioner and of Mr.P.Arun Jayatram, Advocate on behalf of the Respondents, the court made the following order:-



This petition has been filed to set aside the order of dismissal of non-prosecution dated 21.04.2022 of the above appeal.

2. Heard the learned counsel appearing for the petitioner and respondents.

3. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed and A.S.(MD)No.177 of 2017 is restored on file.

Sd/-

Assistant Registrar(CO)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

TO

The Principal District Judge,
Trichy.

COPY TO:
THE SECTION OFFICER,
JUDICIAL POSTING SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



WEB COPY



ORDER DATED : 14/06/2023

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ORDER

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CMP(MD) No.4218 of 2023

IN

AS(MD) No.177 of 2017

Giving direction and etc.

as stated within.

MK/08.09.2023 3P 3C

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