



CMP(MD). No.5065 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Friday, the Twenty First day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.5065 of 2023

in

SA(MD)No.750 of 2021

1. M. Devasena

2. S.Lalaram

... Petitioners/ Appellants

Vs

Arulmighu Koodal Alagar Temple
Madurai through its Assistant Commissioner/
Executive Officer Office at
Arulmighu Koodal Alagar Temple
Madurai.

... Respondent/Respondent

Prayer in CMP(MD). No.5065 of 2023

Petition filed under order 41 Rule 19 of CPC To set aside the order passed in S.A. (MD). No. 750 of 2021 dated 15.03.2023 and RESTORE the second appeal in S.A. (MD). No. 750 of 2021 by this Honourable Court which was dismissed for non prosecution on 15.03.2023 and pass such further or other orders as this Honourable Court may deem fit and proper in the above circumstances and thus render justice.



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Prayer in SA(MD). No.750 of 2021

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 II Additional Subordinate Judge, Madurai dated 20.12.2019 passed in A.S.No.61 of 2017 confirming the Judgment and Decree of the Court of the Principal District Munsif, Madurai Town. dated 03.04.2017 passed in O.S. No.629 of 2012

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 M/s.Meenakshi Sundaram, Senior counsel for Mr.V.B.Sundhareshwar Advocate for the Petitioners and of Mr.S.Manohar Advocate for the Respondent, this Court made the following order:

This Petition is filed to set aside the order passed in S.A(MD).No.750 of 2021 dated 15.03.2023 and restore the second appeal.

2.S.A(MD).No.750 of 2021, was dismissed for non prosecution on 15.03.2023.

3. Heard both sides and also perused the materials placed before this Court.

4. Admittedly, the petitioners have paid a sum of Rs.30,00,000/- towards rental arrears and the same was received by the respondent.



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5. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition. Accordingly, this Civil Miscellaneous Petition is allowed.

6. Registry is directed to restore S.A(MD).No.750 of 2021 on file and list the matter for final disposal on 26.07.2023.

Sd/-

Assistant Registrar(AS)

// True Copy //

25/07/2023

Sub Assistant Registrar(CS)

TO

1.The II Additional Subordinate Judge,
Madurai.

2.The Principal District Munsif
Madurai .

Copy to:

1. 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



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ORDER DATED : 21/07/2023

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ORDER

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CMP(MD). No.5065 of 2023
in
SA(MD) No.750 of 2021

Giving direction and etc.
as stated within.

MK/25.07.2023 4P 5C

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