



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Eighteenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.5686 of 2023

in

S.A(MD)No.597 of 2022

1. Viji,

2. Tamilarasan

... Petitioners/Appellants

Vs

1. M. Periyaperumal

2. Valarmathi

... Respondents/Respondents

(R2 given up as per order of this Court dated 04/08/2023)

Prayer in CMP(MD)No.5686 of 2023 :-

This Civil Miscellaneous Petition filed under Order 41 Rule of 19 C.P.C., to set aside the order and restore the second appeal in SA(MD).No. 597 of 2022 which is dismissed for non prosecution on 23-03-2023.

Prayer in S.A(MD)No.597 of 2022:-

Second Appeal filed under Section 100 of Civil Procedure Code, to allow the second appeal by setting aside the Judgement and Decree passed by the Learned VI Additional District Judge, Madurai dated 19.02.2020 made in A.S. No. 55 of 2019, reversing the Judgment and Decree order made in O.S. No. 363 of 2008 dated 28.03.2019 by the Learned III Additional Sub court, Madurai.(Camp at Usilampatti)

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and



hearing the arguments of Ms. A.S.Shangeetha, Advocate for the Petitioner and of Mr.M.S.Murugan,for first respondent and the second respondent being given up vide order of this court dated 04/08/2023, this Court made the following order:

This petition has been filed to restore SA(MD).No.597 of 2022, which was dismissed for non-prosecution on 23.03.2023.

2. Heard the learned counsel appearing for the petitioner and perused the affidavit filed in support of this petition.

3. The learned counsel appearing for the first respondent has no serious objection to allow this petition. This petition against the 2nd respondent is already given up.

4. Considering the reasons stated in the affidavit filed in support of this petition and taking note of the fact that this petition has been filed in-time, this Court is inclined to allow this petition. Accordingly, this Petition is allowed and SA (MD).No.597 of 2022 is restored to file.

5. Registry is directed to restore the SA(MD).No.597 of 2022 and list it in the usual course.

Sd/-

Assistant Registrar(CS II))

// True Copy //

/09/2023

Sub Assistant Registrar(CS)



TO

1. The VI Additional District Judge,
Madurai.

2. The III Additional Sub Judge,
Sub Judge,
Madurai(Camp at Usilampatti)

Copy to

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

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

Hon`ble Mr.Justice
P. VADAMALAI

ORDER DATED : 18/08/2023

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ORDER

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CMP(MD). No.5686 of 2023

in

S.A(MD)No.597 of 2022

Giving direction and etc.

as stated within.

MGJ(05.09.2023) 3P 6C

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