



CMP(MD). No.9185,9599 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Wednesday, the Second day of August Two Thousand and Twenty Three
PRESENT
The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). No.9185,9599 of 2023
IN
SA(MD)No.173 of 2016

T. Alexander

... Petitioner/ Appellant in both Petitions

Vs

1 I. Ritchartson,

2 I. Austin (Deceased)

3 David Singh,

4 Amalorpppavamery,

5 Fathima Rani,

6 Thangaian,

7 John,

8 Stella Bai,

9 Amalabai,

10 Lella Bai,

11 S. Jeya,

... Respondent 1 to 10
/Respondent1 to 10 in both petitions



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12 A.J. Ashic Joe (Minor),
(Represented by His Adopted Mother and Natural Guardian 11th Respondent)

...Proposed Respondent 11 & 12/
Proposed Respondent 11 & 12

Prayer in CMP(MD). No.9185 of 2023:-

This Miscellaneous Petition filed under section 5 of Limitation Act to condone the delay of 147 days in filing the restoration Petition in S.A.(MD). No. 173 of 2016 which was dismissed for default by this Honourable Court on 02.11.2022 and thus render justice.

Prayer in CMP(MD). 9599/ 2023 :-

This Miscellaneous Petition filed Order 41 Rule 19 of CPC, to restore the SA (MD). No.173 of 2016 with connected application of file which was dismissed on default by the Honourable Court on 02.11.2022 and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in SA(MD).173/ 2016;-

This Memorandum of Second Appeal filed under section 100 of CPC to Set aside the orders dated 17/11/2015 passed in A.S. No51 of 2014 on the file of the Principal Subordinate Judge, Nagercoil, Kanyakumari District, to confirming the orders passed



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in O.S. No319 of 2013 dated 06/03/2014 on the file of the Principal District Munsif Court, Nagercoil, Kanyakumari District.

ORDER:-

This 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 Ms.Arumugam , Advocate for the Petitioner , this Court made the following order:

Learned counsel appearing for the respondents has no objection in allowing these petitions. Hence, these petitions are allowed and the second appeal is restored.

2. List the Second Appeal on 11.08.2023 for reporting settlement.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

TO

1.THE PRINCIPAL SUBORDINATE JUDGE, NAGERCOIL,
KANYAKUMARI DISTRICT.



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2. THE PRINCIPAL DISTRICT MUNSIF,
NAGERCOIL, KANYAKUMARI DISTRICT

Copy to:

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

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

Hon`ble Mr.Justice
KRISHNAN RAMASAMY

ORDER DATED : 02/08/2023

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ORDER
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CMP(MD). No.9185 ,9599 of 2023 in
SA(MD).NO.173 of 2016

Giving direction and etc.
as stated within.

DL/(10.08.2023)/ 4P/5C

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