



CMP(MD) No.15362 of 2023

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

Friday, the Tenth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD) No.15362 of 2023

in

AS(MD)No. 11 of 2010

1 SHENBAGAM @ AYYASAMY KONE (DIED),

2 K.PERIASAMY KONE

3 M.SETHU

4 M.RAMACHANDRAN

5 M.MURUGAN

6 M.KANNAN

7 M.ARUMUGAM

8 PALANIAMMAL

9 LATHA

10 KRISHNAVENI

11 CHANDRA

12 BHAKKIAM



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13 SARASWATHI

14 GOPAL

15 A.PALANISAMY

16 LAKSHMI AMMAL

17 RADHAKRISHNAN (DIED)

18 MOHAN (DIED)

19 KAVITHA

20 SANJEEVI

21 MINOR.HARIS RAJAN

(PETITIONER 21 REPRESENTED BY HIS
MOTHER/NATURAL GUARDIAN THROUGH 19th
PETITIONER)

22 SUKITHA

23 LINGESH

...PETITIONERS/ APPELLANTS

(PETITIONER 23 REPRESENTED BY HIS MOTHER/NATURAL
GUARDIAN THROUGH 22nd PETITIONER)

Vs

1 THE SPECIAL TAHSILDAR
(LAND ACQUISITION), RING ROAD SCHEME,
MADURAI NORTH TALUK,MADURAI.

2 T.SRINIVASAN

3 D.KAYAMBUKONE

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4 K.AYYANAR

5 D.K.SHANBAGAM

6 P.K.RAJU

7 S.THANNAPPAKONE

8 T.NEELAMEGAM,

9 T.KANNIAH

10 K.KARUPPA KONE

11 S.R.PEIRYASAMY

12 S.CHINNASAMY

13 A.SHENBAGAM

14 S.RAMIAH

15 PONNAMMAL

16 A.VELLAITHAI

17 A.SELVARAJAN

18 D.THANGAMANI

19 P.CHANDRASEKAR

20 P.SHENBAGAMOORTHY

21 VELLAIAMMAL



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22 LATHARANI

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order dated 08.04.2013 and restore the above appeal which was dismissed for default against the respondent 10 in A.S.(MD). No.11 of 2010.

PRAYER IN AS(MD)No. 11 of 2010:

To set aside award dated 28.01.2009 made in L.A.O.P No. 149 of 1990 on the file of the Additional District Judge -cum- Fast Track Court No.2, Madurai and allow the above first appeal.

ORDER : This Civil Miscellaneous Petition 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 M/S.I.VELPRADEEP, Advocate for the petitioners and of MR.J.BARATHAN, Advocate for the Respondents 2 to 4, 6 to 9 and 11 to 22, the court made the following order:-

This petition is filed to set aside the order dated 08.04.2013 and restore the appeal which was dismissed for default against the 10th respondent in A.S.No.11 of 2010.

2. Heard both sides.

3. Being satisfied with the reasons stated in the accompanying affidavit, this



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petition is allowed. Registry is directed to restore the First Appeal, which was dismissed for default against the 10th respondents.

4. Post the main case on 14.12.2023.

sd/-
10/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

TO

THE ADDITIONAL DISTRICT JUDGE CUM FAST TRACK COURT NO.2,
MADURAI.

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

ORDER
IN
CMP(MD) No.15362 of 2023
in
AS(MD)No. 11 of 2010
Date :10/11/2023

PKP/VRS/SAR- /27.11.2023/ 5P/ 3C
Madurai Bench of Madras High Court is issuing certified
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