



CMP(MD) No.16955 of 2023

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

Wednesday, the Twentieth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CMP(MD) No.16955 of 2023

IN

SA No.2062 of 2000

POMMA NAICKER (DIED on 12-12-2019) ... 1st APPELLANT

PALANISAMY NAICKER (DIED ON 22-01-2017) ... 2nd APPELLANT

BALAMURUGAN ... PETITIONER/ 3rd APPELLANT

Vs

1 SIVAPERUMAL

2 SOUNDARAPANDIAN,

3 THIRUMALAISAMY,

4 DHANAPACKIAM, ... RESPONDENTS 1 TO 4/RESPONDENTS 1 TO 4

5 V.PALANISAMY NAICER(DIED ON.05-11-2011) ... 5th RESPONDENT

6 POMMA NAICKER ... 6th RESPONDENT/6th RESPONDENT

7 ERAMMAL (DIED-01-04-2001) ... 7th RESPONDENT

8 ERAMMAL(DIED ON 10-03-2010) ... 8th RESPONDENT



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9 SEELAYEE

... 9th RESPONDENT/9th RESPONDENT

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10 CHINNAMMAL(DIED ON 15-03-2002)

... 10th RESPONDENT

11 MANICKAM

12 NATARAJ

13 TAMILSELVI

14 ANJU LAKSHMI

15 BOMMUTHAYEE

... RESPONDENTS 11 TO 15/RESPONDENTS 11 TO 15

16 VELUSAMY

17 THANGAVEL

... RESPONDENTS 16 & 17/RESPONDENTS 16 & 17
(LEGAL HEIRS OF DECEASED 7th RESPONDENT ERAMMAL)

18 THANGAVELU

... 18th RESPONDENT/18th RESPONDENT/
(LEGAL HEIRS OF DECEASED 8th RESPONDENT ERAMMAL)

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 and Restore the SA No.2062 of 2000 which is dismissed for default for non-taking of steps in respect of respondents 7,8 and 10 by order dated 01.09.2017.

Prayer in SA. 2062/ 2000 :

To prefer this Memorandum of Grounds of Second Appeal against the judgment and Decree made in A.S.No.142 of 1994 dated 31.03.2000 on the file of Additional District Judge, Dindigul thereby reversing the Judgement and decree made in OS No. 459/1984 dated 06.01.1994 on the file of Additional District Munsif Court, Dindigul.

ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the

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arguments of M/S. VR.SHANMUGANATHAN, Advocate for the petitioner and of Mr.ANAND CHANDRA SEKAR, Advocate for M/s.SARVABHAUMAN ASSOCIATES, on behalf of the Respondents No.1 to 4, the court made the following order:-

The conditional order passed by this Court, on 06.07.2023, is complied with.

2.Cost Memo along with payment challan for an amount of Rs.13,500/- is enclosed herewith.

3.In view of the above, this petition stands allowed.

sd/-
20/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NS
TO
1 THE ADDITIONAL DISTRICT JUDGE,
DINDIGUL.

2 THE ADDITIONAL DISTRICT MUNSIF
DINDIGUL.

COPY TO:

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



CMP(MD) No.16955 of 2023

ORDER IN
CMP(MD) No.16955 of 2023
IN
SA No.2062 of 2000
Date :20/12/2023

SA/JGB/SAR. /29.12.2023/4P/4C

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