

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

**Wednesday, the Twenty Eighth day of June Two Thousand and Twenty
Three**

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

**CMP(MD) . No.7166 of 2023
in
SA(MD)No.657 of 2022**

Thangaraj (Died)

1.Chithiran
2.V.Pitchan
3.Veerayee
4.Rajeswari
5.Maheswari

... Petitioner/Appellants

Vs

1 K.Pitchan
2 Karuppaiah
3 Ambalam
4 Karuppanan
5 Chithiran
6 Chinnakalai
7 Alagappan
8 Karuppanan
9 Karuppayee
10 P.Karuppanan
11 K.Karuppanan
12 V.Karuppanan
13 V.Vadamugathan
14 Sankaran

- 15 Ayyankalai
- 16 Alagan
- 17 Sangam
- 18 Chinnakaruppan
- 19 Kangani
- 20 Ponnazhagu
- 21 Azhagu
- 22 Sivakumar

(No Relief Sought For Against the Respondents 2 To 21 and they may be given up)

... Respondent/Respondent

Prayer in CMP(MD) . No.7166 of 2023

Petition filed under section 41 Rule 19 of C.P.C. To set aside the order of dismissal dated 08.06.2023 and to restore the above Second Appeal in S.A.(MD) No.657 of 2022 on file, and pass such further other suitable orders and thus render justice

Prayer in SA(MD)No.657 of 2022

This Second Appeal filed under section 100 of the Civil Procedure code, against the Judgment and Decree dated 20/07/2022 made in A.S.No.180 of 2019 on the file of the Subordinate Judge, Melur, confirming the Judgment and Decree dated 03/10/2019 made in O.S.No.41 of 2009 on the file of the District Munsif Melur

ORDER:- This 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.J.Anandhavalli Advocate for the Petitioner and of Mr.K.R.Laxman Advocate for the 1st Respondent , this Court made the following order:

This Civil Miscellaneous Petition has been filed to restore the second appeal in S.A.(MD)No.657 of 2022, which was dismissed for non-prosecution on 08.06.2023.

2. The learned counsel appearing for the first respondent has also not raised any serious objection in allowing this petition.

3. This Court is satisfied with the reasons contained in the affidavit filed in support of this application seeking to restore the above Second Appeal. Accordingly, this Civil Miscellaneous

Petition is allowed as prayed for. This Second Appeal is restored to the file of this Court.

4. Post the matter for arguments finally on **06.07.2023**.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge,
Melur

2.The District Munsif
Melur.

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.

ORDER DATED : 28/06/2023

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ORDER

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CMP(MD). No.7166 of 2023

in

SA(MD) No.657 of 2022

Giving direction and etc.

as stated within.

KB(04.07.2023) 3P 6C