



CMP(MD). No.10176 of 2022

WEB COPY

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

Tuesday, the Eighth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD). No.10176 of 2022

in

AS(MD)No132 of 2018

1 K. Venkatesan,
2.G. Praveen vishnu
3.Ishwarya

.. Petitioners/ Petitioners/ Appellants

Vs

1 Baby Girija,
2 R. Karthic
3 Anitha
4 Lekha
5 C.R. Gopu Alias Gopalakrishnan
6 R. Srinivasan
7 R. Karthikeyan

... Respondents/ Respondents/ Respondents

Prayer :-

This Miscellaneous Petition filed under order 41 rule 19 of CPC. to set aside

the dismissal order dated 24.06.2022 passed in C.M.P. (MD). No. 3091/2022 in A.S.

<https://www.mhc.tn.gov.in/judis>



CMP(MD). No.10176 of 2022

(MD), No. 132 of 2018 and RESTORE the same 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 CMP(MD). 3091/ 2022 :

To pass an order to restore the Appeal in A.S. (MD) No. 132 of 2018, which was dismissed for non-prosecution on 02.03.2022, to file and to be heard on merits after giving opportunity and thus render justice.

Prayer in AS(md)No132 of 2018

This First Appeal filed under section 41 rule 1 and 2 of CPC R/W SEC. 96 of cpc to set -aside the decree and judgement dated 28/02/2018 passed in o.s.no.175/2014 by V Additional District Judge ,Madurai.

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. D. Saravanan, Advocate for the Petitioner and of Ms. C. Godwin Advocate For the 1st Respondent to 4th Respondent, this Court made the following order:



CMP(MD). No.10176 of 2022

WEB COPY

Pursuant to the direction of this Court dated 24.07.2023, the petitioners have paid Rs.1,000/- (Rupees One Thousand only). The learned counsel appearing for the petitioners has filed a cost Memo dated 04.08.2023 to that effect. The above said Memo is recorded.

2. In view of the above, this petition is allowed and the Registry is directed to restore the appeal on file and post the same on **28.08.2023** finally.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

TO

THE V ADDITIONAL DISTRICT JUDGE,MADURAI

COPY TO:

1 THE SECTION OFFICER,
JUDICIAL SECTION,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CMP(MD). No.10176 of 2022

2 THE SECTION OFFICER,
VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (2 Copies)

ORDER DATED : 08/08/2023

=====
ORDER
=====

CMP(MD). No.10176 of 2022
in
AS(MD)No132 of 2018

Giving direction and etc.
as stated within.

MK/17.08.2023 4P 5C

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