



CMP(MD). No.9669 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Thirtieth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CMP(MD). No.9669 of 2023
in
SA.No. 339 of 2000

1. Chidambaram (Died)

... Petitioner/ Appellant/ Appellant/Plaintiff

2. Thambusamy

3. Nithuyanandhan

... Petitioners/ Appellants 1 & 3
(Lrs of the 1st Appellant)

Vs

1 Nagalakshmi (Died)

... Respondent/Respondent/Respondent

2 Perumal (Died)

3 Kanakambal

4 Loganathan

5 Thiruchelvam

6 Susila

... Respondents/Respondents

7 Saravanamuthu

8 Kumaravel

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



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9 Muthuvijayan

10 Dharman

11 Natarajan

... Respondents/Proposed Respondents 7 to 11

Prayer in CMP(MD). No.9669 of 2023:-

This Petition filed under Section 151 of C.P.C. R/w order 41 rule 19 of C.P.C., praying this Court to restore the appeal in SA.No. 339/2000 which was dismissed for default on 07.06.2023.

Prayer in SA. 339/ 2000 :-

This Second appeal filed under Section 100 of C.P.C., against the Judgment and Decree dated 16/03/1999 made in A.S.No.14/1998 on the file of the Additional District Judge cum Chief Judicial Magistrate Court, Pudukottai, confirming the Judgment and Decree dated 18/10/1996 made in O.S.No.1677/1989 on the file of the Additional District Munsif Court, Pudukottai.

ORDER:-

This Civil Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. N.Balakrishnan, Advocate for the Petitioner and of Mr.L.Magesh Advocate for the respondents 3 to 6, Mr.K.C.Maniyarasu Advocate for the respondent No.11, this Court made the following order:

"Heard.

2. Since notice to R7, R8 and R10 was not taken, the second appeal was dismissed for default. In order to restore the appeal in respect of the said



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respondents, this application has been filed.

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3. Accepting the averments made in the affidavit filed in support of this petition, this petition is allowed."

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/12/2023

Sub Assistant Registrar(CS)

akv

To

1. The Additional District Judge cum Chief Judicial Magistrate,
Pudukottai.

2. The Additional District Munsif,
Pudukottai.

Copy to:

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

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



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ORDER DATED : 30/11/2023

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ORDER(Restored)

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in

SA. No. 339 of 2000

Giving direction and etc.
as stated within.

AMS/14.12.2023 4P 5C

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