



CMP(MD). No.8364 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Tenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice C. KUMARAPPAN

CMP(MD). No.8364 of 2023

in

SA(MD)458 of 2017

1. Lilly Saroja

2.Suganthi

3.Shanthi

4.Jayanthi

5.Snakaran

... Petitioners/ Appellants

Vs

Selvaraj
S/o.Dhanapal No.74/5 Vinayaga Nagar
Thonukal Road, Alampatti Village
Kovilpatti Taluk, Thoothukudi Disrict.
Through His Power Agent,Dhanapal

... Respondent/Respondent



CMP(MD). No.8364 of 2023

Prayer in CMP(MD). No.8364 of 2023:-

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This Civil Miscellaneous Appeal is filed under order 41 Rule 19 of C.P.C., to restore the above second appeal in SA (MD) No.458 of 2017 which was dismissed for non-prosecution on 22.06.2023.

Prayer in SA(MD)458 of 2017:-

This Second Appeal is filed under section 100 C.P.C., to prefer against the judgment and decree dated 15.02.2016 passed in AS No.17 of 2015 on the file of Sub Court, Kovilpatti, confirming the judgment and decree dated 13.02.2015 passed in OS No.131 of 2012 on the file of District Munsif, Kovilpatti.

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 Mr.M.P.Senthil, Advocate for the Petitioner and of Mr.S.Kumar, Advocate for the respondent(s), this Court made the following order:

On perusal of the records, it is seen that the appeal was dismissed for non-prosecution on 22.06.2023. However, they have moved an application for restoration of the appeal.



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2. The learned counsel for the respondent had no serious objection in allowing this petition.

3. Hence, having considered the submission made by the learned counsel appearing for the petitioners and no objection is made by the respondents and there is no delay in filing application and also being satisfied with the reasons, this Second Appeal is ordered to be restored on file.

4. Registry is directed to restore the Second Appeal on file and list the matter on 24.08.2023.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

TO

1. The Sub Judge, Kovilpatti,

2.The District Munsif, Kovilpatti.

Copy to:

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



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

ORDER DATED : 10/08/2023

Post on : 24/08/2023

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RESTORED
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CMP(MD). No.8364 of 2023
in
SA(MD)458 of 2017

Giving direction and etc.
as stated within.

DL/(22.08.2023)/ 4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.