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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD). No.8984 of 2023

in

SA(MD)No.549 of 2017

1.R.A.R. Arumugasamy (Died)

2.A.Murugaraj

3.R.Ananthi

4.A.Narayanan Raj

...Petitioner 2 to 4/proposed Appellants 2 to 4

Vs

1 Hazarath Syed Sha Mian Sakkaf Saheb Khadiri Thaikkal,

Thanjavur,

Represented by its Senior Trustee Janab

Syed Moin Ahamed,

... Respondent/Respondent

Prayer :-

Civil Miscellaneous Petition filed Under order 41,Rule 19 of C.P.C to restore the above Second appeal in SA(MD) No.549 of 2017 which was dismissed as abated by this Honourable Court on 08.06.2023 and pass such further or other orders, as this Honourable Court may deem fit.

Prayer in SA(MD). 549/ 2017:

Second Appeal is filed Section 100 of Code of Civil Procedure,against the Judgment and Decree dated 01.11.2016 passed in A.s.No.17 of 2016 on the file of the 2nd Additional District & Sessions Judge,Thanjavur,partly reversing the Judgment and Decree passed by the Additional Subordinate Judge,Thanjavur in O.S.No.86 of 2012 dated 08.03.2016.



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. M.P.Senthil, Advocate for the Petitioner and of M/s. P.Sesu Balan Raja, Advocate for the respondents, this Court made the following order:

This restoration petition is allowed.

2. Registry is directed to restore the Second Appeal on file.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/11/2023

Sub Assistant Registrar(CS)

TO

1. The 2nd Additional District & Sessions Judge,
Thanjavur,
2. The Additional Subordinate Judge,
Thanjavur
3. The Section Officer,
V.R Section
Madurai bench of Madras High Court,
Madurai.
- 4 The Section Officer,
Judicial Section
Madurai bench of Madras High Court,
Madurai.



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ORDER DATED : 28/11/2023

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ORDER

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CMP(MD). No.8984 of 2023
in
SA(MD)No.549 of 2017

Giving direction and etc.
as stated within.

MK/29.11.2023 3P 6C

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