



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty Sixth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). No.9193 &9195 of 2023

in

CMP(MD)705 and 708 of 2023

in

SA(MD)No.800 &799 of 2006

CMP(MD)NO. 9193 OF 2023

1.Vinaitheerthan (Died)

2.V.Prabahar

S/o.Vinaitheerthan,
No.8/1231, Manapallam,
Lakshmi Nagar,Bhavani,
Vasavi College,Erode- 638316.

3.Kumaresan

...2&3 Petitioners/2&3 Petitioners/Proposed
Appellants 2 &3 in both CMP's

Vs

1 Muthusamy

2 Subramaniyan

3 Thiyagarajan

4 Lakshmi Ammal

... 1 to 4 Respondents/Respondents/Respondents
in CMP(md) No.9193 OF 2023



1 Subramaniyan

2 Thiagarajan

3 Muthusamy

4. Lakshmi Ammal ... 1 to 4 Respondents/ Respondents/ Respondents in
CMP(MD)No. 9195 of 2023

Prayer in CMP(MD) No.9193 of 2023 :-

This Civil miscellaneous Petition is filed under order 41 Rule 19 of C.P.C., to restore the CMP (MD) No.708 of 2023 in SA(MD) No.800 of 2006 which was dismissed on 02/06/2023.

Prayer in CMP(MD) No. 708 of 2023:-

This Civil Miscellaneous petition is filed under section 5 of limitation Act., to condone the delay of 287 days in filing petition to restore which was dismissed as abated on 02.08.2021 in the S.A.(MD). No. 800 of 2006 and thus render justice.

Prayer in SA(MD)No.800 of 2006

This Second Appeal is filed under section 100 of C.P.C., to set aside the decree and Judgment made in AS No.93 of 2004 dated 01.07.2005 on the file of the I Additional District Judge(PCR), Tiruchirappalli, confirming the decree and judgment made in OS No.225 of 1996 dated 06.01.2004 on the file of the District Munsif, Musiri.



Prayer in CMP(MD). No.9195 of 2023 :-

This Civil miscellaneous Petition is filed under order 41 Rule 19 of C.P.C., to restore the CMP(MD) No.705 of 2023 in SA (MD) No.799 of 2006 which was dismissed on 02/06/2023.

Prayer in CMP(MD) No.705 of 2023:-

This Civil Miscellaneous petition is filed under section 5 of limitation Act., to condone the delay of 287 days in filing petition to restore which was dismissed as abated on 02.08.2021 in the S.A.(MD). No. 799 of 2006 and thus render justice.

Prayer in SA(MD) No.799 of 2006:-

This Second Appeal is filed under section 100 of C.P.C., to set aside the decree and Judgment made in AS No.98 of 2004 dated 01.07.2005 on the file of the I Additional District Judge(PCR), Tiruchirappalli, confirming the decree and judgment made in OS No.111 of 1997 dated 06.01.2004 on the file of the District Munsif, Musiri.

ORDER:-

These Petitions coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Ms.Maria Roselin, Advocate for the Petitioner, this Court made the following

order:



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“Being satisfied with the reasons stated in the affidavit filed in support of the petitions, the petitions are allowed and CMP(MD) No.705 and 708 of 2023 are restored.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

TO

1.The I Additional District Judge, (PCR)
Tiruchirappalli.

2.The District Munsif, Musiri.

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.(2 COPIES)



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BEFORE THE MADURAI BENCH OF
MADRAS HIGH COURT

Hon`ble Mr.Justice
KRISHNAN RAMASAMY

ORDER DATED : 26/07/2023

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Restored

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CMP(MD). No.9193 &9195 of 2023

in

CMP(MD)705 and 708 of 2023

in

SA(MD)No.800 &799 of 2006

SI(22.08.2023) 5P/ 6C

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