



CMP(MD). No.12190 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twenty First day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD). No.12190 of 2022

in

AS(MD)No.5 of 2007

1.Kamatchi Ammal (Died)

2.Chinnathangachi (Died)

3.Ramu Ammal (Died)

4.Chitra

5.Lakshmi

6.Sumathi

7.Muthuramalingam

(Borden Deaf and Dumb)

(Rep.by his sister and next friend N.Chitra

8.S.Balasubramanian

9.S.Kesavan

10.S.Neelakandan

11.S.Gunasekaran

12.K.Palaniammal



CMP(MD). No.12190 of 2022

* Petitioners 8 to 12 are brought on Record as Lrs of the deceased 2nd Petitioner vide court order dated 09.02.2023 made in CMP(MD) NOS.1023 and 1024 of 2023 in CMP (MD) No.12190 of 2022 in AS (MD)No.5 of 2007.

Vs

- 1 K.Packirisamy Nadar(Died)
- 2 K.Natesa Nadar (Died)
- 3 Rajendra Nadar (Died)
- 4 Thoondinatha Nadar
- 5 Tamizharasan Nadar (Died)
- 6 Kalimuthu Nadar
- 7 Kamalam
- 8 Pushpam
- 9 Kaliyammal
- 10 Manimegalai
- 11 Amutha
- 12 T.Thavamani
- 13 P.Sathya
- 14 R.Selvarani
- 15 P.Senthilkumar
- 16 R.Sureshkumar



CMP(MD). No.12190 of 2022

17 Shanmuga Priya

WEB COPY

... Respondents 6 – 17/Respondents 6 to 17

Prayer :-

Petition filed under order 41 Rule 19 r/w section 151 of CPC To set aside the order of dismissal passed in A.S.(MD).No.5/2007 on 22-07-2022 and restore the appeal on the file of this Honourable Court and thus render justice.

Prayer in AS (MD) NO.5 OF 2007

Appeal suit is filed under section 96 of the Civil Procedure Code, against the judgment and decree dated 07.05.1990 made in O.S.No.40 of 1986 on the file of the court of Subordinate Judge, Pattukottai.

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.V.K.Vijayaragavan Advocate for the Petitioner and of Mr.V.George Raja Advocate for M/s Ajmal Asso. For the 3rd 4th 6th 8th to 13 Respondents, this Court made the following order:

The Civil Miscellaneous Petition has been filed seeking orders to set aside the order, dated 22.07.2022 in A.S.(MD)No.5 of 2007 and restore the same.

2. The learned counsel for the appellants has filed a memo stating that the seventh respondent died on 11.10.2019 leaving behind the respondents 3, 4 and 8 as legal heirs and that since the legal representatives of the seventh respondent were



CMP(MD). No.12190 of 2022

already on record, there is no need to take steps for the seventh respondent. The said memo is recorded.

3.Heard the learned counsel on either side.

4.The learned counsels for the other respondents would submit that they are not having any objections to allow this petition.

5.Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed. Registry is directed to restore the appeal and list the same before this Court on 17.08.2023, for final disposal.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

TO

The Subordinate Judge,
Pattukottai.

Copy to:

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



WEB COPY



CMP(MD). No.12190 of 2022

ORDER DATED : 21/07/2023

HEARING DATE: 17/08/2023

=====
Restore
=====

CMP(MD). No.12190 of 2022
in
AS(MD)No.5 of 2007

Giving direction and etc.
as stated within.

DL/(26.07.2023)/ 5P/4C

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

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