



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Third day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice N.MALA

CMP(MD).Nos.10150 to 10152 of 2022

IN

A.S(MD).No.206 of 2011

M.MEENATCHI

... PETITIONER/APELLANT
IN ALL THE PETITIONS

Vs

1 T.LILLY (DIED)

... DECEASED RESPONDENT
IN ALL THE PETITIONS

2 THANGARAJ

3 VAIYOLA

4 DHEENADHAYALAN

5 MINOR JAISINGH

REP BY HIS FATHER AND GUARDIAN THANGARAJ

... RESPONDENTS/PROPOSED PARTIES/
LEGAL HEIRS OF DECEASED RESPONDENT
IN ALL THE PETITIONS

Prayer in CMP(MD). 10150/ 2022 :

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the dismissal order in CMP(MD).No. 1181 of 2018 in AS(MD).No. 206 of 2011 on 11-08-2022 and restore the same.

Prayer in CMP(MD). 10151/ 2022 :

To set aside the dismissal order in CMP(MD).No. 1182 of 2018 in AS(MD).No. 206 of 2011 on 11-08-2022 and restore the same.

Prayer in CMP(MD). 10152/ 2022 :

To set aside the dismissal order in CMP(MD).No. 1183 of 2018 in AS(MD).No. 206 of 2011 on 11-08-2022 and restore the same.

Prayer in AS(MD). 206/ 2011 :

Pleased to allow the appeal and set aside the Judgment and decree dated 19-07-2011 passed by the 1st Additonal District Judge,

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Madurai in O.S.No.30 of 2010 and decree the suit as prayed with costs throughout.

COMMON ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S M.RAJARAMAN, Advocate for the petitioner in All the Petitions, the court made the following order:-

These petitions have been filed to set aside the dismissal order, dated 11.08.2022 made in CMP(MD).Nos.1181 to 1183 of 2018.

2. The learned counsel appearing for the petitioner submits that this Court by order, dated 11.08.2022 dismissed the CMP(MD). Nos.1181 to 1183 of 2018 as the batta was not paid within three days as per the order, dated 25.07.2022. He further submitted that on that day the petitioner could not confirm as regards the correct address of the respondent and therefore, this Court was constrained to dismiss the CMPs. He further submits that even today the petitioner is not able to get the correct address of the respondents. He further contended that the respondents are in the same address but evading the service. The counsel states that because of evasive attitude, the service of notice could not be completed.

3. In the light of the above reasons, this Court is of the view that the order, dated 11.08.2022 made in CMP(MD).Nos.1181 to 1183 of 2018 needs to be set aside and an opportunity is to be given to the petitioner to take substituted service to the proposed respondents. Hence, these petitions are ordered and the CMPS are restored.

sd/-

03/01/2023

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/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

THE I ADDITIONAL DISTRICT JUDGE,
MADURAI.

ORDER IN

CMP(MD).Nos.10150 to 10152 of 2022
IN

A.S(MD).No.206 of 2011

Date :03/01/2023

SA/BUC/SAR.3/05.01.2023/2P/2C

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