



C.M.P.(MD)No.10505 of 2023

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

Tuesday, the Fifth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

C.M.P.(MD)No.10505 of 2023
in
S.A.No.1037 of 1998

1 KUTHABAKSH (DIED)

2 K.SALEEM

3 K.HALEEM

4 K.HASEENA BANU

5 K.NAYEEM

6 K.SHAINA BANU

... PETITIONERS/ APPELLANTS

(THE PETITIONERS 2 TO 6 HEREIN ARE
REPRESENTED THROUGH THEIR POWER
AGENT K.SALEEM, THE 2ND
PETITIONER HEREIN)

Vs

1 VELU THEVAR (DIED)

2 RAMU AMMAL

3 MURUGESAN



C.M.P.(MD)No.10505 of 2023

4 AMIRTHAN
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5 DHANALAKSHMI

6 KUMARESAN

7 RAJAKUMAR

8 ARULKUMAR

9 JOTHI

... RESPONDENTS/RESPONDENTS

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 order dated 07/07/23 in CMP(MD) No.9967 of 2021 in SA No.1037 of 1998 and restore the same which was dismissed for non payment of cost and thus render justice.

Prayer in SA. 1037/ 1998 :

to prefer this memorandum of second Appeal against the Judgment and Decree in AS No.49/1996 on the file of the I Addl. Subordinate Judge, Madurai dt.30/9/1997 reversing the judgment and decree in O.S.No.377/1989 dt.21/7/1995 on the file of the District Munsif, Madurai.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioner and of MR.G.ARAVINTHAN, Advocate on behalf of the Respondents 2 to 4, 6 & 8 the court made the following order:-

This petition is filed to set aside the order dated 07.07.2023 in C.M.P.(MD) No.9967 of 2021 in S.A.No.1037 of 1998 and restore the same.

2. Heard the learned counsel appearing for the petitioners.



C.M.P.(MD)No.10505 of 2023

3. The learned counsel appearing for the respondents 2 to 4, 6 and 8 has no objection to allow this petition.

4. Considering the submissions, this petition is ordered and C.M.P.(MD) No.9967 of 2021 is restored on condition that the petitioners comply with the order of this Court dated 23.06.2023 within a period of two weeks from today.

5. Post the matter on 25.09.2023 under the caption 'for reporting compliance'.

sd/-
05/09/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

1 THE I ADDITIONAL SUBORDINATE JUDGE, MADURAI.

2 THE DISTRICT MUNSIF, MADURAI TALUK.

COPY TO :

1 THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



C.M.P.(MD)No.10505 of 2023

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2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
C.M.P.(MD)No.10505 of 2023
in S.A.No.1037 of 1998
Date :05/09/2023

RK /VRS(13/09/2023) 4P / 6C

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