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

Thursday, the Fourteenth day of September Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CMP(MD) No.9670 of 2023
in
REV.APLC(MD)SR.No.49418 of 2023

ANTONY MUTHU NADAR (DIED)

... NIL/NIL/ APPELLANT

1 A.ASIRVATHAM

2 A.RAJENDRAN

3 A.SELVARAJ

4 A.JOHNSON GNANARAJ

5 A.FATHIMA RANI

6 A. FRANCIS,

A. CHALES(DIED)

7 C.SAKAYARANI BONI BASS

8 JOSE,

9 JEFFRIN

10 ANNIE,

... PETITIONERS 1 TO 10/PROPOSED APPELLANTS 1 TO 10/
LR's DECEASED SOLE APPELLANT

Vs



1 DEVAGANA NADAR
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DAVID SELVIN DHANARAJ (DIED)

2 DEVADASHAN DEVID,

3 K. KATHAMUTHU,

4 M. MURUGAN,

5 S. MOOKAMMAL,

6 BENOTICK KONNARARA

7 RAJAMMAL PUSHBAM,

8 P.SOMU,

9 PETER RATHNASWAMY,

10 A.THAIYAGARAJAN,

11 P. SUBBIAH PILLAI,

12 M.NARAYANAN,

13 T. MAYANDI,

14 M. CHELLADURAI,

15 JEBAKUMAR,

16 PREMKUMAR,

17 RAJADURAI,

18 S. ESTHAR AMMAL



19 M. JAYASUNDARI,

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20 S. SHARMILA

21 S. SYAMILA,

22 S. GNASEELAN

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to accept the cause title in Review Petition (MD) SR 49418 of 2023 against SA No.1194 of 1995.

PRAYER in REV.APLC(MD)SR.No.49418 of 2023:

To review and set aside the judgment and decree dated 28.08.2018 made in S.A.No.1194 of 1995 on the file of the Hon'ble High Court Madurai Bench, Madurai.

PRAYER in SA.No.1194 of 1995:

Second Appeal is filed under Section 100 of the Civil Procedure Code, against the Judgment and decree dated 11.01.1993 passed in A.S.No.21 of 1990 on the file of the Subordinate Judge, Tuticorin confirming the judgment and decree, dated 13.12.1989 passed in O.S.No.15 of 1984 on the file of the Principal District Munsif, Tuticorin.

ORDER : This Civil Miscellaneous 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.D.SELVAKUMARI, Advocate for the petitioner, the Court made the following order:-

The learned counsel for the petitioner made the following endorsement:-

"I may be permitted to withdraw the Review Application. Review Application was filed since the Appellant died on the date of Judgment. Now I may be permitted to file set aside petition before the Hon'ble Court to restore the Second Appeal with the legal heirs of the



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Appellant since the appellant died. Leave may be granted to file setaside petition before the Hon'ble Madurai Bench High Court."

2. This Petition has been filed to accept the cause title in a Review Petition.

3. It is seen from the records that the Second Appeal had not been dismissed on merits. Therefore, in view of the endorsement made by the learned counsel, this Petition stands dismissed as withdrawn.

4. The petitioner is at liberty to file application in accordance with law even though this particular Petition stands dismissed as withdrawn. Consequently, Rev.Aplc(MD).Sr.No. 49418 of 2023 is also rejected. This will not be a bar to the petitioner to file appropriate application again.

sd/-
14/09/2023

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

VSG

TO

- 1 THE SUBORDINATE JUDGE,
TUTICORIN.
- 2 THE PRINCIPAL DISTRICT MUNSIF
TUTICORIN.



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ORDER
IN
CMP(MD) No.9670 of 2023
in
REV.APLC(MD)SR.No.49418 of 2023
Date :14/09/2023

SS/DD/21/09/2023/5P/3C

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