



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

Thursday, the Fifteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.8738 of 2022
IN
AS(MD) No.204 of 2008

1 AYUB ALI @ VAISOOL KARURAI AYUB ALI ... 1ST PETITIONER
/1ST APPELLANT
2 OHUDU (SINCE DECEASED) ... 2ND APPELLANT
3 FARITHA
4 MUSTAFA
5 LUTHFIYA ... PETITIONERS 3 TO 5/APPELLANTS 3 TO 5

Vs

1 J.ZAHABAR
2 SEENI MOHIDEEN
3 MOHAMMED IBRAHIM
4 K.S.G.AMARAN
5 CHUNGA CHUM SHING
6 JAMEES KHAN ... RESPONDENTS/RESPONDENTS

(RESPONDENTS 2 TO 5 REMAINED EXPARTE IN THE TRIAL COURT, HENCE, THE NOTICE TO RESPONDENTS 2 TO 5 REMAINED EXPARTE IN THE TRIAL COURT. HENCE, THE NOTICE TO RESPONDENTS 2 TO 5 IS NOT NECESSARY)

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 08.08.2022 made in A.S.(MD).NO.204 of 2008 and restore the same on the file of this Honourable Court.

PRAYER IN AS(MD).204/2008 :

Appeal Suit filed under Section 96 of the Code of Civil Procedure, against the judgment and decree dated 28.01.2008 passed in O.S.No.22 of 2004, by the learned Additional District Judge, (Fast Track Court), Ramanathapuram.

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 MR.A.ARUMUGAM, Advocate for M/S.AJMAL ASSOCIATES for the petitioners and of M/S.A.NAWAZ KHAN, Advocate on behalf of the 6th Respondent and none appeared either in person or by



CMP(MD)



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an advocate on behalf of the 1st respondent, the court following order:-

Heard the learned counsel for the petitioners.

Considering the reasons stated in the affidavit filed in support of this petition, the restoration petition is ordered.

sd/-

15/06/2023

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/06/2023

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

akv

TO

THE ADDITIONAL DISTRICT JUDGE, (FAST TRACK COURT),
RAMANATHAPURAM DISTRICT.

COPY TO

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

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

ORDER

IN

CMP(MD) No.8738 of 2022

IN

AS(MD) No.204 of 2008

Date :15/06/2023

RS/VR/SAR-(16.06.2023) 2P 4C