



CMP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Sixteenth day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mrs.Justice N.MALA

CMP(MD) . No.8739 of 2022
in
A.S. (MD) No.5 of 2018

P.Ramasamy, ... Petitioner / Appellant

-Vs-

Nayinikonar (Died)

1. Ramasamy
2. Chandrajeyam,
3. Mangalam
4. Pappu
5. Chellammal

Venkatachalam (Died)

6. Ramakrishnan,
7. Venkatesan,
8. Rasambal,
9. Suseela,

Pappa (Died)

10. Kaliyammal,
11. Pasupathi
12. Durkadevi,
13. Udayappan,

14. Chelladurai

... Respondents / Respondents



Prayer in CMP(MD). No.8739 of 2022 in A.S.(MD)No.5 of 2018 :

This Civil Miscellaneous Petition filed under Order 41 Rule 19 of the C.P.C., pleaded to set aside the order dated 18.08.2022 passed in A.S.(MD).No.5 of 2018 on the file of this Honourable Court and restore the same and thus render justice.

Prayer in A.S.(MD)No.5 of 2018 :-

Appeal Suit is filed U/s. 96 of the C.P.C., to set aside the Judgment and Decree made in O.S.No.72 of 2012, dated 12.10.2017 on the file of the III Additional District Judge, Thanjavur at 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 Thiru./Ms. Mr.R.Paranjothi, Advocate for the Petitioner and of Thiru./Ms. Mr.N.Balakrishnan, Government Advocate for the Respondent, this Court made the following order:

"This petition is filed to restore the appeal which was dismissed for non-prosecution vide order dated 18.08.2022.

2.The learned counsel for the appellant submits that he has filed an application to receive additional evidence and that the registry is refusing to number the same as the appeal is yet to be restored.

3.The learned counsel for the respondent has no objection to the restoration application being ordered, but states that the date may be fixed some time in the next week for the final disposal of the appeal.

4.The learned counsel for the petitioner agrees for the same. The petition is therefore ordered and the appeal is restored on file. It is made clear that the appeal will be taken up for final disposal on 23.02.2023 at 2.15 p.m."

Sd/-

Assistant Registrar ()

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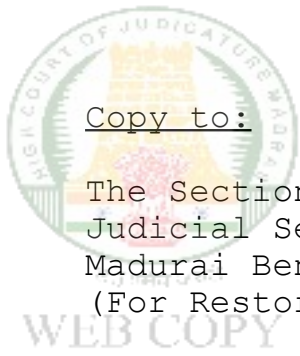
/02/2023

Sub Assistant Registrar(CS)

TO

The III Additional District Judge,
Thanjavur at Pattukottai.

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



CMP(MD).



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Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(For Restoring and Post on 23.02.2023 at 2.15 p.m.,)

ORDER DATED : 16/02/2023

HEARING DATE : 23.02.2023
AT 2.15 . P.M.,

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ORDER
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CMP(MD) . No.8739 of 2022
in
A.S. (MD) No.5 of 2018

ED(21.02.2023) 3P 3C