



CMP(MD). No.10246 of 2022

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

**Tuesday, the Seventeenth day of October Two Thousand and Twenty Three
PRESENT**

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

**CMP(MD). No.10246 of 2022
in
AS(MD)No.254 of 2009**

A.Nachal

... Petitioner/ Appellant

Vs

1 N.K.L.Kulanthaivelan(Died)

2 K.L.Parthasarathy (Died).

... Respondents 1 & 2

3 L.Meenal

4 S.Uma

5 Padma

6 Manjula

7 Abirami

8 The Branch Manager
Bank of India
Eakattuthangal
Chennai.

9 Visalakshi

... Respondents 3-9/ Respondents 3 - 9



CMP(MD). No.10246 of 2022

Prayer in CMP(MD). No.10246 of 2022

Civil Miscellaneous Petition filed under order 41 Rule 19 of CPC To set aside the order dated 10-08-2022 and restore the appeal in A.S(MD).No.254 of 2009, which was dismissed for default on 10-08-2022.

Prayer in AS(MD) No.254 of 2009

Appeal Suit is filed under section 96 of CPC against the judgment and decree dated 09.04.2009 passed in O.S. No.172 of 2004 on the file of the Principal District Judge, Pudukottai.

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 Mr.H.Arumugam Advocate for the Petitioner and of Mr.V.R.Shanmuganathan Advocate for the 3rd to 7th and 9th Respondents, this Court made the following order:

This petition is filed to set aside the order dated 10.08.2022 passed by this Court in A.S.(MD)No.254 of 2009.

2. Heard both sides.



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3. Being satisfied with the reasons stated in the accompanying affidavit, this petition is allowed. Registry is directed to restore the First Appeal.

4. Post the main case on **21.11.2023**.

Sd/-

Assistant Registrar(CS- I)

// True Copy //

/11/2023

Sub Assistant Registrar(CS)

SRR

To
The Principal District Judge,
Pudukottai.

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.(2 Copies)



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CMP(MD). No.10246 of 2022

ORDER DATED : 17/10/2023

NEXT DATED : 21/11/2023

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Restore

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CMP(MD). No.10246 of 2022

in

AS(MD) No.254 of 2009

SI(01.11.2023) 4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.