



WEB COPY

CMP(MD) /



22:

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

Wednesday, the Twenty Eighth day of June Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr. Justice N.SATHISH KUMAR
CMP(MD) Nos.8805 and 8806 of 2022

IN

AS(MD) Nos.203 and 198 of 2018

CMP(MD) No.8805 of 2022:

S.PALANI@ SUNDAR

... Petitioner / Appellant

Vs

A.SUNDARARAJU

... Respondent / Respondent

CMP(MD) No.8806 of 2022:

S.PALANI@ SUNDAR

... Petitioner / Appellant

Vs

1 A.SUNDARARAJU

2 S.LAKSHMI

3 S.KANNAN

4 S.SEKAR

5 S.KESAVAN

... Respondents / Respondents

Prayer in CMP(MD). 8805/ 2022 :

To set aside the order dated 23-08-2022 and to restore the above appeal in A.S.(MD).No.203 /2018 which was dismissed for non-prosecution.

Prayer in AS(MD) No.203 of 2018:

To allow the present appeal and set aside the judgment and decree dated 09.10.2018 passed in O.S.No.202 of 2015 on the file of the 1st Additional District Judge, Madurai in respect of B and C schedule properties and to dismiss the suit with costs throughout.

Prayer in CMP(MD). 8806/ 2022 :

To set aside the order dated 23-08-2022 and to restore the above appeal in A.S.(MD).No.198 /2018 which was dismissed for non-prosecution.

Prayer in AS(MD) No.198 of 2018:

To allow the present appeal and set aside the judgment and decree dated 09.10.2018 passed in O.S.No.218 of 2010 on the file of the 1st Additional District Judge, Madurai in respect of B and C schedule properties and to decree the suit as prayed for with costs



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.V.RAMAKRISHNAN, Advocate for the petitioner in both petitions and of M/s.J.ANANDHA VALLI, Advocate on behalf of the sole respondent in CMP(MD) No.8805 of 2022 and Respondents No.1 to 5 in CMP(MD) No.8806 of 2022, the court made the following order:-

Heard the learned counsel appearing for the petitioner in part. The learned counsel appearing on either side submitted that they will get appropriate orders from the Registry for arguing the matter before this Court. Their submission is recorded.

2. Being satisfied with the reasons stated in the affidavit filed in support of these petitions, these petitions are allowed and the appeals are restored to file.

sd/-
28/06/2023

/ TRUE COPY /

/07/2023

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

TA

To

The I Additional District Judge,
Madurai.

Copy to:

1. The Sub Assistant Registrar,
AE Section,
Madurai Bench of Madras High Court, Madurai.

2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CMP(MD) Nos.8805 and 8806 of 2022
IN
AS(MD) Nos.203 and 198 of 2018
Date : 28/06/2023

ED/ /SAR- (07/07/2023) 2P 4C