



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD). No.7054,7056 of 2023

in

Tr AS (MD)No 208 of2020

1. Inbasekaran (Died)

2. Neethimohan

3. I.Meenakshi (Died)

4. I. Rajesh

5 .I.Rajee

... Petitioners/Petitioners
in both Petitions

Vs

1 S.Natarajan, (Died),

2 N.Kannammal

3 N.S.Sivaraj

4 N.Udaya Kumar

5 N.Valarmathi

6 N.Nagarajan

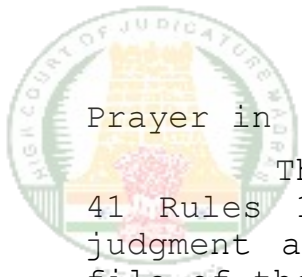
... Respondents/Respondents
in both Petitions

Prayer in CMP(MD). 7054/ 2023 :-

This Civil Miscellaneous Petition filed under Section 5 of Limitation Act To pass an order condoning the delay of 19 days in filing the application to restore the appeal in TR A.S.(MD) No.208 of 2020 which was dismissed for default on 10/08/2022.

Prayer in CMP(MD). 7056/ 2023 :

This Civil Miscellaneous Petition filed under order 41, Rule 19 of C.P.C. To set aside the order of dismissed for default dated 10/08/2022 and restore the appeal suit in TR A.S.(MD) No.208 of 2020 .



Prayer in TR AS(MD). 208/ 2020 :

This Memorandum of Appeal filed under section 96 and order 41 Rules 1 and 2 of CPC To pass an order setting aside the judgment an decree in O.S.No.445 of 1985 dated 28.07.2000 on the file of the II Additional Sub Judge, Madurai in so far as it refuses to grant the relief of permanent injunction and decree the suit as prayed for by granting the permanent injunction with costs.

ORDER:-

This Civil Miscellaneous 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 Ms. J.BARATHAN Advocate for the Petitioner and Ms. M.S.KRISHNAN senior council for Dinesh Harisudarsan, Advocate for the respondent(s), this Court made the following order:

Being satisfied with the reasons stated in the affidavits filed in support of these petitions, these petitions are ordered.

Registry is directed to restore Tr.A.S(MD)No.208/2020 on file and post the same for hearing on 22/06/2023.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

TO

1. The II Additional Sub Judge,
Madurai.

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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RD (21/06/2023) 3P 5C

CMP(MD). No.70



23

ORDER DATED : 14/06/202

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ORDER

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CMP(MD) . No.7054 ,7056 of 2023

Tr AS (MD)No 208 of2020

Giving direction and etc.
as stated within.