



CMP(MD) No.9694 of 2019

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

Tuesday, the Twenty Ninth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD) No.9694 of 2019

IN

SA(MD) No.1097 of 2011

1 GOVINDARAJ,

2 NAGORE PITCHAI,

... PETITIONERS/PETITIONERS/ APPELLANTS

Vs

1 MANIMEGALAI
(DIED)

2 DHANALAKSHMI
(DIED)

3 SUBRAMANIAN,

4 KAMALA,

5 JAYA
(DIED)

6 VIJAYA,

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



CMP(MD) No.9694 of 2019

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7 CHITRA,

8 G.KASTHURI REGAN,

9 STATE OF TAMILNADU REP BY
COLLECTOR OF THANJAVUR, COLLECTOR OFFICE,
THANJAVUR.

10 TAHSILDAR,
THANJAVUR TALUK OFFICE, THANJAVUR.

11 GUNASUNDARI,

... RESPONDENTS/RESPONDENTS/RESPONDENTS

Prayer:

Civil Miscellaneous Petition Under order 41 Rule 19 of C.P.C to set aside the order dated 20.09.2019 in CMP(MD)No.5177 of 2018 in SA.1097 of 2011 and restore the Condone the delay petition to file and thus render justice.

Prayer in CMP(MD). 5177/ 2018 :

This Petition filed under Section of Limitation Act, Praying this court to condone the delay of 76 days in filing the restoration petition in S.A.No.1097 of 2011.



CMP(MD) No.9694 of 2019

Prayer in SA(MD). 1097/ 2011 :

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The Second Appeal is filed under Section 100 C.P.C., against the decree and judgement dated 28/06/2008 in AS.No.36/2007 on the file of the Additional Subordinate Judge, Thanjavur against the Decree and Judgment dated 20/02/2007 in OS.No.109/2002 on the file of the District Munsif of Thanjavur.

ORDER : This petition coming on for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.VAITHIYALINGAM, Advocate for the petitioner and of M/S. K.Guhan, Advocate for Third Respondent, this court made the following order:-

The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition, since the remedy available to the petitioners is either to challenge the order in C.M.P.(MD)No.5177 of 2018 in S.A.(MD)No.1097 of 2011 dated 20.09.2019 or to file a review.

2. Recording the submission of the learned counsel appearing for the petitioners, this petition is dismissed as withdrawn.

Sd/-

Assistant Registrar ()

// True Copy //

/09/2023

Sub Assistant Registrar(CS)



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To

1. The Additional Subordinate Judge,
Thanjavur.
2. The District Munsif,
Thanjavur.
3. The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 29/08/2023

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ORDER
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CMP(MD). No.9694 of 2019
in
S.A.No.(MD) 1097 of 2011

Giving direction and etc.
as stated within.

DL/(21.09.2023)/ 4P/5C

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