



CMP(MD) No.12498 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Twentieth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). No.12498 of 2023

in

CMP(MD).No.1619 of 2023

in

SA.No.272 of 1996

- 1.Muthuvel Udayar
- 2.Kamalam
3. Alagappan (died)
4. Subbiah (died)

..Petitioners/ Appellants No.1 to 4

..Vs..

- 1 Gopal
- 2 R.Ramaiah
- 3 V.Chinniah
- 4 C.Periyasamy (Died)
- 5 C.Raju (Died)
- 6 C.Perumal
- 7 V.Nalliah.
- 8 N.Subramanian (Died)
- 9 N.Karuppiah
- 10 S.Govindan
- 11 A.Chelliah
- 12 S.Sigppi
- 13 Karuppiah Udayar

... Respondents/ Respondents

Prayer :-

Civil Miscellaneous Petition filed under order 41 Rule 19 r/w Section 151 of the Civil Procedure Code to set aside the order dated 22-06-2023 made in C.M.P (MD)No.1619 of 2023 in SA.No.272 of 1996 dismissing the above appeal as dismissed for default and to restore the same on file of this Court.

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**CMP(MD) No.12498 of 2023**

**Prayer in CMP(MD)1619 of 2023:-**

This Civil Miscellaneous Petition is filed under order 41 Rule 19 C.P.C. R/W section 151, to set aside the abatement order dated 19.10.2022 made in S.A. No. 272 of 1996 dismissing the above Appeal as abated and restore the same on file of this Honourable Court.

**Prayer in SA No.272 of 1996:-**

Second Appeal filed under Section 100 Code of Civil Procedure against the Judgment and Decree dated 28.09.1995 made in A.S.No.23 of 1994 on the file of the Sub Court, Devakottai confirming the Judgment and Decree dated 17.09.1993 made in O.S.No.547 of 1990 on the file of the District Munsif Court, Devakottai.

**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. M.Rajeswari, Advocate for the Petitioners, this Court made the following order:

**“This petition is filed to set aside the order dated 22.06.2023 made in CMP (MD)No.1619 of 2023 in S.A.No.272 of 1996 dismissing the above appeal as dismissed for default and to restore the same.**

**2.Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is ordered and CMP(MD)No.1619 of 2023 is restored.”**

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/11/2023

Sub Assistant Registrar(CS )

Skn

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**CMP(MD) No.12498 of 2023**

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TO

1. The Subordinate Judge, Devakkottai
2. The District Munsif, Devakkottai

Copy to:

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

ORDER DATED : 20/09/2023

=====  
ORDER  
=====

CMP(MD). No.12498 of 2023  
in  
CMP(MD). No.1619 of 2023  
in  
SA. No.272 of 1996

Giving direction and etc.  
as stated within.

AMS/07.11.2023 3P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.