



CMP(MD). No.9718 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Monday, the Fourth day of September Two Thousand and Twenty Three
PRESENT
The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD). No.9718 of 2023

in

CMP(MD)7182 of 2019

in

AS(MD)SR No.54532 of 2019

Arunachala Raj ... Petitioner/ Appellant/ Appellant

Vs

1 Uma

2 Rajammal

3 Kavitha

4 Geetha @ Krishna

5 Santhanakumar

6 Santhana Lakshmi,

7 Santhana Rajan,

8 Aiyshabanu

9 Selvam ... Respondent/ Respondent/ Respondents



CMP(MD). No.9718 of 2023

Prayer in CMP(MD). No.9718 of 2023:-

This Civil Miscellaneous Petition is filed under Order 41 Rule 19 of C.P.C., to set aside the order dated 24.08.2022 and restore the CMP(MD). No.7182 of 2019 in AS (MD). SR No.54532 of 2019 dismissed on 24.08.2022 and proceed with the steps.

Prayer in CMP(MD)7182 of 2019:-

This Civil Miscellaneous Petition is filed under section 5 of Limitation Act r/w 41 Rule 3A of C.P.C., to condone delay of 889 days in filing the above First Appeal before this Honble Court as against the judgment and Decree passed in O.S. NO.16 of 2015 dated 20.10.2016 on the file of the Learned III Additional District Judge, Tirunelveli, Tirunelveli District.

Prayer in AS (MD) SR No.54532 of 2019:-

This Appeal Suit is filled under section 96 r/w 41 Rule of C.P.C., to set aside the the decree and judgment in OS No.16 of 2015 dated 20.10.2016 on the file of the III Additional District Judge, Tirunelveli.

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.A.Haja Mohideen, Advocate for the Petitioner and of Mr.M.P.Senthil, Advocate for the first respondent, this Court made the following order:

The above application has been filed seeking orders to set aside the order dated 24.08.2022 passed in C.M.P.(MD)No.7182 of 2019 in A.S.(MD)SR.No.54532 of 2019, which was ordered to be dismissed for default, and restore the same on file.



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2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

3. It is seen from the records that the application in C.M.P.(MD)No.11069 of 2022 to condone the delay in filing the petition to restore C.M.P.(MD)No.7182 of 2019 was ordered to be allowed vide order dated 10.07.2023.

4. The learned counsel appearing for the first respondent has not raised any serious objection.

5. Considering the reasons assigned, this petition is ordered and the Registry is directed to restore the petition in C.M.P.(MD)No.7182 of 2019 on file and post the same on **18.09.2023**.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

CSM
To

The III Additional District Judge, Tirunelveli.

Copy to:

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



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CMP(MD). No.9718 of 2023

ORDER DATED : 04/09/2023

POST ON : 18/09/2023

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ORDER

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CMP(MD). No.9718 of 2023

in

CMP(MD)7182 of 2019

in

AS(MD)SR No.54532 of 2019

Giving direction and etc.

as stated within.

RD(13/09/2023) 4P / 3C

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