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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.10292 of 2023

in

AS(MD)No. 120 of 2013

1. Rural Development Charitable Trust,
Puthuvalvu Thiyana Illam, Pudhuvalvu Nagar,
Chidambarapuram (Po), Kuruvikulam Via,
Tirunelveli District its Managing Trustee M.Jesu Micheal Raj
S/o.Maria Micheal.
2. Rural Development Charitable Trust,
Puthuvalvu Thiyana Illam, Pudhuvalvu Nagar,
Chidambarapuram (Po), Kuruvikulam Via,
Tirunelveli District its Treasurer Arul Madhu,
W/o Mariya Micheal
3. Rural Development Charitable Trust,
Puthuvalvu Thiyana Illam, Pudhuvalvu Nagar,
Chidambarapuram (Po), Kuruvikulam Via,
Tirunelveli District its N.M.Rani.
D/o.Mariya Micheal Arulappan



- Vs. -

1. Father P.Amalraj, S/o.Peter Manuvel,
70,Ulagameedpar Aalayam, T.N.Pudhukudi,
Puliyangudi 627 855, Tirunelveli District.

2. Micheal, S/o.Not Known to the Plaintiffs,
52,Amalraj Match Factory, Kurvikulam,
Tirunelveli District.

... Respondents/Respondents.

Prayer in CMP(MD)No.10292 of 2023:-

Civil Miscellaneous Petition filed under Order 41 Rule 19 r/w 151 of C.P.C. to Restore the AS(MD)No.120 of 2013 which was dismissed for non prosecution on 05.08.2022 on the file of this Honourable Court and thus render justice.

Prayer in AS(MD)120 of 2013:-

First Appeal filed under Section 96 of the C.P.C., against the judgment and decree made in O.S. No.67 of 2010, dated 04/07/2012 on the file of the Third Additional District and Sessions 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.J.David Ganesan, Advocate for the Petitioner and of Mr.D.Nallathambi, Advocate for the respondents, this Court made the following order:

The above application has been filed seeking orders to set aside the order dated 05.08.2022 passed in A.S.(MD)No,120 of 2013, which was ordered to be dismissed for non prosecution, and restore the appeal on file.



2. Heard the learned counsel appearing for the petitioners as well as the respondents.

3. The learned counsel appearing for the respondents has not raised any serious objection, but he is pressing for early disposal of the case.

4. Considering the reasons assigned, this petition is ordered and the Registry is directed to restore the appeal on file and post the same on **20.09.2023** for final disposal.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

CSM

To:

1.Third Additional District and Sessions Judge, Tirunelveli.

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

COPY TO:

THE SECTION OFFICER,

VR SECTION,

MADURAI BENCH OF MADRAS HIGH COURT,

MADURAI. (2 Copies)



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ORDER DATED : 04/09/2023

ORDER

CMP(MD)No.10292 of 2023
in **AS(MD)120 of 2013**
Giving direction and etc.
as stated within.

MK/12.09.2023 4P 5C

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