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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Monday, the Sixteenth day of October Two Thousand and Twenty Three

**PRESENT
The Hon`ble Mrs.Justice L. VICTORIA GOWRI**

**CMP(MD). No.13299 of 2023
in
AS(MD) No.33 of 2013**

M.Manickavasagam ... Petitioner/ Appellant

Vs

1 Ravikumar

(1st Respondent is Declared as Majar
and the guardianship of his mother
Dhanalakshmi is discharged vide
court order dated 31/08/2023 made
in CMP(MD) No.10930/2023 in AS(MD) No.33/2013)

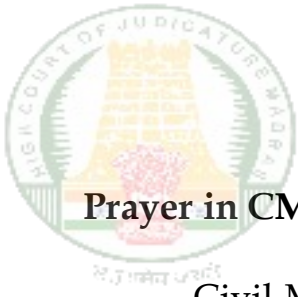
2 Minor Aishwarya
(Represented Through Her
Mother and Next Friend Dhanalakshmi)

3 Malarkann

4 Manimaran

5 M.Manimegalai

6 M.Malaiyarasa Pandi ... Respondents/ Respondents



Prayer in CMP(MD). No.13299 of 2023

Civil Miscellaneous Petition filed under order 41 Rule 19 of CPC To set aside the order dated 11.08.2022 passed by this Honourable court in AS(MD)No.33 of 2013 which was dismissed for non prosecution and restore the same and thus render justice.

Prayer in AS(MD) No.33 of 2013

Appeal Suit filed under section 96 r/w Order 41 Rule 1 & 2 of CPC against the judgment and decree dated 18.07.2012 passed in O.S. No.63 of 2010 on the file of the 6th Additional District Judge, Madurai and set aside the same.

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.G.Prabhu Rajadurai Advocate for the Petitioner and of Mr.R.Aravindan Advocate for the 1st and 2nd Respondents, this Court made the following order:

This petition is filed to set aside the order dated 11.08.2022 passed by this Court in A.S.(MD)No.33 of 2013.

2. Heard both sides.



3. Being satisfied with the reasons stated in the accompanying affidavit, this petition is allowed. Registry is directed to restore the First Appeal.

4. Post the main case on 15.11.2023.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

SRR

TO

The 6th Additional District 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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ORDER DATED : 16/10/2023

Hearing DATED : 15/11/2023

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Restore

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CMP(MD). No.13299 of 2023

in

AS(MD) No.33 of 2013

SI(30.10.2023) 4P/ 5C

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