



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Twenty Third day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) . No.7209 of 2023

in

AS(MD) No.79 of 2012

Mrs.Premila

... Petitioner/Appellant

Vs

G.Justus Selvakumar

... Respondent/Respondent

Prayer in CMP(MD)No.7209 of 2023:-

This Civil Miscellaneous Petition is filed under order 41 Rule 19 c.p.c., to pass an order for restoration of the appeal on file by setting aside the order of dismissal of the Appeal dated 03.11.2016 in A.S.(MD) No.79 of 2012 on the file of the Honourable Madurai Bench of Madras High Court.

Prayer in AS(MD) No.79 of 2012:-

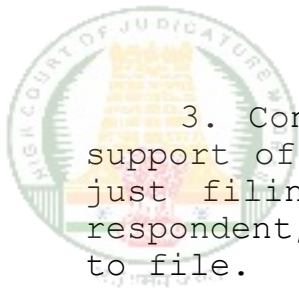
This Appeal Suit is filed under order XLI Rule 1 and Sections 96 and 151 of C.P.C., against the judgment and decree in OS No.128 of 2010, on the file of the District Judge, Kanniyakumari @Nagercoil, dated 11.10.2011.

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.John Jeyakumar, Advocate for the Petitioner, this Court made the following order:

This application has been filed to set aside the order of dismissal dated 03.11.2016 in A.S.(MD).No.79 of 2012 and to restore the appeal.

2. Heard the learned counsel for the petitioner.



3. Considering the reasons assigned in the affidavit in support of this petition and the learned counsel for the respondent just filing a memo stating that he has no instruction from the respondent, this petition is ordered and the appeal suit is restored to file.

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Sd/-

Assistant Registrar(CS II)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

TO
The District Judge,
Kanniyakumari @ Nagercoil,

Copy to:
1 The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

2 THE SECTION OFFICER,
VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (2 Copies)

ORDER DATED : 23/06/2023

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ORDER

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CMP(MD) . No.7209 of 2023
in
AS(MD) No.79 of 2012

Allowing this petition by
restoring the Appeal suit to
file.

MK/13.07.2023 2P 5C