



CMP(MD) No.14869 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Eighth day of November Two Thousand and Twenty Three
PRESENT

The Hon`ble Mrs.Justice R.KALAIMATHI

CMP(MD) No.14869 of 2023
in
SA. No.1343 of 2000

V.Gandhi

... Petitioner/ Appellant

Vs

1 Periannan, (* Died)

2 N.Menaka

(R2 is brought on record as LR of the
deceased sole respondent vide
Court order dated 19.04.2022 made in
CMP.Nos. 870, 871 & 872 of 2019)

3 R. Kesavan

(R3 is impleaded vide Court order
dated 01.02.2023 made in
CMP No. 342 of 2023)

... Respondents 2 &3/ Respondents 2 &3

Prayer in CMP(MD)No.14869 of 2023:-

This Civil Miscellaneous petition is filed under Section 15 of C.P.C., to set aside the order of dismissal for "Non-Prosecution" dated 25.04.2023 passed in SA No.1343 of 2000.

Prayer in SA No.1343 of 2000:-

This Second Appeal is filed under section 100 of C.P.C., to set aside the decree

<https://www.mhc.tn.gov.in/judis>



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judgment dated 11.11.1999, rendered in AS No.62 of 1997, on the file of the Second Additional Subordinate Judge, Madurai, confirming the decree and judgment dated 12.11.1996 rendered in OS NO.32 of 1989 on the file of the District Munsif Court, Melur.

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 Ms.Jessi Jeva Priya, Advocate for the Petitioner and of Mr.L.Shaji Chella For R3, this Court made the following order:

“ Heard

2.The learned Counsel appearing for the third respondent has no serious objection.

3.Accepting the reasons stated in the affidavit filed in support of this petition, this petition is allowed. “

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/11/2023

Sub Assistant Registrar(CS)

TO

1.II Additional Subordinate Judge,
Madurai.

2.The District Munsif , Melur.



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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

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-16092[I] dated 09/11/2023)

ORDER DATED: 08/11/2023

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ORDER
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CMP(MD) No.14869 of 2023
in
SA. No.1343 of 2000

Giving direction and etc.
as stated within.

AMS/17.11.2023 3P 7C

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