



CMP(MD) No.10051 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Sixteenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD) No.10051 of 2023

in

SA No.1267 of 2002

1 S.SUBBIAH (DIED)

2 S.KARUNAKARAN

... Petitioner / Appellant

Vs

1 PALANIAPPAN

2 SUBBARAYA GOUNDER (DIED)

3 KANDASAMY

4 S.SHANMUGAM

5 K. CHINNASAMY (DIED)

6 C.SUNDARAMOORTHY

7 C.ELANGO VAN

... Respondents / Respondents

(R2 & R5 are deceased. Memor recorded vide order dated 28.02.2012 and made in SA No.1267 of 2002. Memo presented in Court dated 28.02.2012)



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8 MEENAKSHI

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9 SIVAKAMI

... Respondents 8 & 9

(Respondents 3 and 4, who are already on record, are recorded as LRS of the deceased R2 and RR8 and are also brought on record as LRS of the deceased 2nd Respondent vide Court order dated 30.06.2023, made in MP(MD) Nos.1 to 3 of 2012 in SA No.1267 of 2002)

10 KALIAMMAL

11 MANI

12 RAJATHI

... Respondents 10 to 12

(Respondents 6 and 7, who are already on records, are recorded as LRS of the deceased R5 and RR10 to 12 are also brought on record as LRS of the deceased 5th Respondent vide Court order dated 30.06.2023 made in MP(MD) Nos.1 to 3 of 2012 in SA No.1267 of 2002)

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order of dismissal dated 17.7.2009 and restore the appeal in SA No.1267 of 2002 against the Respondents 2, 6 and 7.

Prayer in SA No.1267 of 2002:

To allow this Second appeal by setting aside the judgement and Decree of the Lower Appellate Court made in A.S.No.17 of 2001 on the file of the Principal District Judge, Karur dtd 28.09.2001 reversing the judgement and decree of the District Munsif Court, Karur dated 19.12.2000 made in O.S.No.1295 of 1995.

ORDER : This civil miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.KARTHIKEYA VENKITACHAL, Advocate for the petitioner and of Mr.P.THIAGARAJAN, Advocate on behalf of the Respondent No.1, the court made the following order:-



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This petition is filed to set aside the order of dismissal dated 17.07.2009 and restore the above second appeal as against the respondents 2, 6 and 7.

2. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is ordered and the second appeal is restored as against the respondents 2, 6 and 7.

sd/-
16/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

To

1.The Principal District Judge, Karur.

2.The District Munsif, Karur.

ORDER
IN
CMP(MD) No.10051 of 2023
in
SA No.1267 of 2002
Date :16/08/2023

ED/VRS /SAR- (24/08/2023) 3P / 3C

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