



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Fifth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) . Nos.5336 &5337 of 2023
in
AS Nos.665 &666 of 2001

- 1.S. Natarajan (Died)
- 2.N. Kannammal
- 3.N.S.Sivaraj
- 4.N.Udaya Kumar
5. N.Valarmathi
- 6.N.Nagarajan

(A2 to A6 are brought on record as Lrs of deceased sole Appellant A1 vide court order dated 20.12.2019 made in CMP(MD)Nos.7927 to 7929 of 2017)

... Petitioners/Appellants in both cases

Vs

1. Inbasekaran (Deceased) ...1st Respondent (in both cases)

2. Neethimohan

...2nd Respondent/
2nd Respondent in CMP(MD)No.5337 of 2023

Prayer in CMP(MD) . No.5336 of 2023 :-

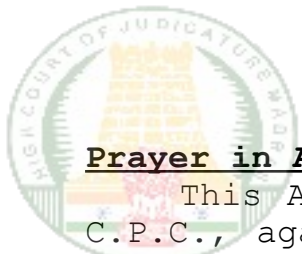
This Civil Miscellaneous Appeal is filed under order 41 Rule 19 of C.P.C., to set aside the order restore the case in A.S. No. 665 of 2001 on its file, which was dismissed by this Honourable Court for non-prosecution on 10.08.2022.

Prayer in AS No.665 of 2001:-

This Appeal Suit is filed under section 96 and order 41 Rule 1 C.P.C., against the judgment and decree dated 28.07.2000 of the II Additional Sub Judge, Madurai in OS No.252/86.

Prayer in CMP(MD) . No.5337 of 2023 :-

This Civil Miscellaneous Appeal is filed under order 41 Rule 19 of C.P.C., to set aside the order restore the case in A.S. No. 666 of 2001 on its file, which was dismissed by this Honourable Court for non-prosecution on 10.08.2022.

**Prayer in AS No.666 of 2001:-**

This Appeal Suit is filed under section 96 and order 41 Rule 1 C.P.C., against the judgment and decree dated 28.07.2000 of the II Additional Sub Judge, Madurai in OS No.3/86.

ORDER:-

These Petitions are coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.M.Dinesh Hari Sudharsan, Advocate For G.Vishnuram, Advocate, for the Petitioner and of Mr.J.Barathan, Advocate, for the respondent, this Court made the following order:

"Accepting the reasons stated in the affidavits filed in support of these petitions and considering the facts that no serious objection is raised on the other side, these petitions are allowed.

"The Registry is directed to restore the appeals on file and list the same for hearing on 14.06.2023."

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

TO
The II Additional Subordinate 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)

ORDER DATED : 05/06/2023

=====

ORDER

=====

CMP (MD) .Nos.5336 & 5337 of 2023
in

AS Nos.665 & 666 of 2001

SI/(12.06.2023) 2P/ 5C