



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Twenty First day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD). No.15371 of 2023

in

S.A.(MD)No.468 of 2007

Saraswathi,

W/o.Govindaraj,

Door No.19 State Bank Officers li Colony,

Bye Pass Road Madurai Town

... Petitioner/ Appellant

Vs

1.Krishnamoorthy (Died)

2.Seethalakshmi

3.K.Kumar

4.K.Mohan

...Respondents/ Respondents

Prayer in CMP(MD)No.15371 of 2023 :-

Civil Miscellaneous Petition filed Under Order 41 Rule 19 R/W 151 of C.P.C to set aside the order dated 05.08.2022 passed in SA(MD).No. 468 of 2007 dismissed for default and to restore the same and thus render justice.

Prayer in S.A.(MD)No.468 of 2007:-

Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and decree made in A.S.No.39 of 2002, dated 11.03.2005, on the file of Sub Judge, Sivagangai confirming the judgment and decree made in O.S.No.69 of 2000, dated 31.10.2001, on the file of the Principal District Munsif, Sivagangai.

ORDER:- This Civil Miscellaneous 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.B.Sathish Sundar, Advocate for the Petitioner and Mr.S.Srinivasa Raghavan, Advocate for the Second Respondent, this Court made the following order:

This petition is filed to set aside the order dated 05.08.2022 passed by this Court in S.A.(MD)No.468 of 2007.

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 Second Appeal.

4. Post the main case on 29.11.2023.

Sd/-

Assistant Registrar(CO)

// True Copy //

/11/2023

Sub Assistant Registrar(CS)

TO

1.The Subordinate Judge,
Sivagangai.

2.The Principal District Munsif,
Sivagangai.

Copy to:

The Section Officer,
Judicial Section(Posting),
Madurai Bench of Madras High Court,
Madurai.



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ORDER DATED : 21/11/2023

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ORDER(Restoration)

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CMP(MD). No.15371 of 2023

in

S.A.(MD)No.

Giving direction and etc.
as stated within.

KB(28.11.2023) 3P 4C

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

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