



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Friday, the Sixth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CMP(MD). No.12553 of 2023

IN

CMP(MD)NO.7201 OF 2016

IN

S.A.(MD)NO.532 OF 2016

1. K.Vellaisamy,
2. Alagumani
3. Ayyammal
4. Lakshmi
5. Krishnakumar
6. Rajeswari
7. Maheshkumar
8. Minor Ponraj
9. Minor Ramyapriya

... Petitioners/ Appellants

(Minors 8 & 9 are rep.by their mother and next friend 4th Petitioner)

Vs

- 1 Subbammal,
- 2 Muthiah,
- 3 S.Samy,
- 4 Revul,
- 5 Ayyammal,
- 6 Chellathurai @ Annathurai,
- 7 Chandrasekar,
- 8 Kumar.

... Respondents/ Respondents



Prayer CMP(MD). No.12553 of 2023:-

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This Petition filed under Order 41 Rule 19 read with Section 151 of C.P.C. to Set Aside the Dismissal for Default that has occurred in C.M.P.No.7201 of 2016 in S.A.(MD)No.532 of 2016, due to the Non Compliance of the Conditional Order passed by this Honourable Court on 09-02-2017, and Order the above C.M.P.No.7201 of 2016 to be Restored back and pass such Orders or other Orders which the Honourable Court.

Prayer CMP(MD). No.7201 of 2016:-

This Petition filed under Order 41 Rule 19 of C.P.C. To set aside the Dismissal of Second Appeal No.532 of 2016 for Default, on 13.07.2016 and Restore the same back to file to be proceeded further and pass such or other suitable orders which the Honourable Court.

Prayer in S.A.(MD)NO.532 OF 2016:-

Second Appeal is filed under Section 100 of CPC., to Set aside the decree and judgment of the 1st appellate Court passed in A.S.No.2 of 2012 by the Sub Court, Sankarankovil on 16.09.2013, confirming the decree and judgment passed in O.S.No.256 of 2000 dated 16.12.2008 by the Principal District Munsif Court, Sankarankovil.

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. Ramesh @ Ramiah, Advocate for the Petitioners, this Court made the following order:

“Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed.



2. In the result, C.M.P(MD)No.7201 of 2016 is ordered to be restored on file."

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Sd/-

Assistant Registrar(CS III)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

TO

1. The Principal District Munsif, Sankarankovil.
2. The Subordinate Judge,
Sankarankovil.

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



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ORDER DATED : 06/10/2023

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ORDER

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CMP(MD). No.12553 of 2023
IN
CMP(MD)NO.7201 OF 2016
IN
S.A.(MD)NO.532 OF 2016

Giving direction and etc.
as stated within.

MK/11.10.2023 4P 6C

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