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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD). No.8880 of 2023
in
SA(MD) No.635 of 2006

Rajavadivu

... Petitioner/ Appellants

Vs

1 Kumaresan

... 1 -2 Respondents/
Respondents

2 Irulappan

3 Pothumponnu

4 Selvakumar

5 Jeyakumar

6 Ganapathiyammal

7 Athiparasakthi

... 3-7 Respondents/ Respondents

(3rd to 7th Respondents are brought on record as Lrs of the deceased 1st Respondent vide court order dated 30/01/2024 made in CMP(MD)No.10489 of 2023 in SA(MD) No.635 of 2006)

Prayer in CMP(MD). No.8880 of 2023

Civil Miscellaneous Petition filed under order 41 Rule 19 of CPC To set aside the order of dismissal in the Second Appeal in SA(MD). 635 of 2006 dated 25.10.2021 for non prosecution and restore the same on the file of this Honourable Court



Prayer in SA(MD) No.635 of 2006:

Second Appeal filed under section 100 of CPC., to set aside the Decree and Judgment dated 31.01.2006 made in AS No.115 of 2001 on the file of the Additional District and sessions Court/Fat Track Court No.2, Madurai, confirming the Decree and Judgment in O.S. No.100 of 1999 dated 26.04.2001 on the file of the District Munsif Court, Thirumangalam.

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.G.Ramanathan, Advocate for the Petitioner and of Mr.S.Vellaichamy Advocate for the 2nd 4th 5th Respondents, this Court made the following order:

This petition is filed to set aside the order of dismissal, dated 25.10.2021 passed in SA(MD).No.635 of 2006, for non prosecution and restore the same on the file of this Court.

2. The learned counsel appearing for the respondents reported no objection to allow this petition.

3. In view of same and also considering the reasons stated in the accompanying affidavit filed in support of this petition, this petition is ordered and the order, dated 25.10.2021 passed in the main Second Appeal is set aside and the appeal is restored on the file of this Court.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)



TO

1.The Additional District and Sessions Judge,
Fast Track Court No.2,
Madurai.

2.The District Munsif,
Thirumangalam.

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.

ORDER DATED : 30/01/2024

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Restore

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CMP(MD). No.8880 of 2023

IN

SA(MD) No.635 of 2006

Giving direction and etc.
as stated within.

MGJ(23.02.2024) 3P 6C

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