



MP(MD). No.1517 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD). No.1517 of 2024

in

SA(MD) No.733 of 2021

Raja ... Petitioner/ Appellant

Vs

1 Rajaprabha Alias Sudharshini

2 R.Sudharshan

... Respondents/ Respondents

Prayer in CMP(MD). No.1517 of 2024 :-

This Civil Miscellaneous Petition filed under Order 41 Rule 19 of A S Rules, praying this Court to set aside the order dated 05.12.2023 made in SA(MD). No.733 of 2021 on the file of this Honourable Court and restore the same.

Prayer in SA(MD). 733/ 2021 :

This Second Appeal filed under section 100 of Civil Procedure Code against the judgment and decree dated 27.06.2014 made in O.S.No. 303 of 2011 on the file of District Munsif Court, Uthamapalayam which is confirmed by the Judgment and decree dated 04.12.2020 made in A.S.No. 29 of 2014 on the file of Subordinate Court, Uthamapalayam.



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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. P.R.Prithiviraj, Advocate for the Petitioner and of Mr. R.R.Kannan, Advocate for the respondents, this Court made the following order:

This Civil Miscellaneous Petition is filed to set aside the dismissal order, dated 05.12.2023 in the Second Appeal.

2. The Learned Counsel appearing for the respondents have not raised any serious objection to restore the Second Appeal.

3. Considering the reasons stated in the affidavit filed in support of the petition, this petition is allowed.

4. Registry is directed to restore the Second appeal and post the matter 'for Judgment' on **20.02.2024**.

Sd/-

Assistant Registrar

// True Copy //

16/02/2024

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

To

1. The Subordinate Judge, Uthamapalayam.
2. The District Munsif, Uthamapalayam.



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WILL COPY
Copy to:

1. The Section Officer, VR Section, Madurai Bench
- 2. The Section Officer, Judicial Section, Madurai Bench.**

ORDER DATED : 15/02/2024

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ORDER

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CMP(MD). No.1517 of 2024
in
SA(MD) No.733 of 2021
Giving direction and etc.
as stated within.

MK/16.02.2024 3P 6C

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