



CMP(MD). No.5333 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Monday, the Fifteenth day of April Two Thousand and Twenty Four
PRESENT
The Hon`ble Mrs.Justice N.MALA
CMP(MD). No.5333 of 2024
in
S.A(MD).No.233 of 2017

C.Ayyanar

... Petitioner

Vs

1. V.Nagulappan
2. V. Solaiselvam
3. Thangavelammal

... Respondents

Prayer in CMP(MD). No.5333 of 2024:-

This petition filed under Order 41 Rule 9 of Civil Procedure Code, to set aside the order dated 18.10.2023 made in S.A(MD).No.233 of 2017, which was dismissed for non prosecution and restore the above Second Appeal.

Prayer in S.A(MD).No.233 of 2017:-

This Second Appeal filed under Section 100 of Civil Procedure Code to set aside the Decree and Judgment dated 02.03.2017 made in A.S.No.8 of 2016 on the file of the Subordinate Judge, Viruthunagar confirming the decree and judgment dated 29.04.2015 made in O.S.No.3 of 2008 on the file of Principal District Munsif, Viruthunagar.

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. M.Vijayarathinam, Advocate for the Petitioner and of Mr. M.Kannan, Advocate for the respondents, this Court made the following order:

This application has been filed to set aside the order dated 18.10.2023 made in

S.A.(MD).No.233 of 2017 and restore the second appeal.



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2. I have gone through the affidavit filed in support of this petition and I am satisfied with the reasons stated therein. Therefore, this petition is ordered and the second appeal is restored to file.

3. Registry is directed to list the Second Appeal on 14.06.2024.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/04/2024

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

akv

To:

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

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.
(For listing the Second Appeal on 14.06.2024)



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CMP(MD). No.5333 of 2024

ORDER DATED : 15/04/2024

HEARING DAT : 14/06/2024

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ORDER

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CMP(MD). No.5333 of 2024

in

S.A(MD).No.233 of 2017

Giving direction and etc.
as stated within.

RD(24/04/2024) 3P / 4C

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