



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD). No.4649 of 2023

in

CMP(MD).No.2312 of 2023

in

SA(MD).SR.No.19925 of 2021

1. Pandarakannu Thevar(Died)

2. Pandian

3.Athomoola Thevar

4. Ramasamy Thevar (Died)

... Petitioner 1 to 4/Petitioners/ Appellants

5. Paunthai

6. Chellmani

7.Muthulakshmi

8. Rajagopal

9. Rathinasamy

10. Selvaraj

11.Parameswari

(Petitioners 5 to 11 are brought on
records as LRS of deceased 1st Petitioner
vide common order dated 14.12.2023
made in CMP(MD).Nos.16633, 16634 and 16637
16649, 16650 and 16652 in
SA(MD).SR.No.19925 /2021)

12. Chellam

13. Esakkimuthu

(Petitioners 12 and 13 are brought on
records as LRS of deceased 4th Petitioner
vide common order dated 14.12.2023
made in CMP(MD).Nos.16633, 16634 and 16637
16649, 16650 and 16652 in
SA(MD).SR.No.19925 /2021)



..Vs..

1 Murugan,

2 S. Murugaiah,

... Respondents/Respondents/Respondents

Prayer :-

Civil Miscellaneous Petition filed under Order 41 Rule 19 of CPC to set aside and restore the order passed in C.M.P. (MD). NO. 2312 of 2023 in S.A.(MD). SR. No. 19925 of 2021 dated 03.03.2023, before this Court.

Prayer in C.M.P.(MD).No.2312 of 2023: Civil Miscellaneous Petition is filed under Section 5 of Limitation Act to condone the delay of 1301 days in filing the S.A.(MD). SR.No.19925 of 2021 on the file of this Court.

Prayer in S.A.(MD).SR.No.19925 of 2021: Second Appeal is filed under Section 100 of CPC to allow this Second Appeal and set aside the judgment and decree dated 25.04.2018 passed in A.S.No.39 of 2012 on the file of the Additional Subordinate Judge, Thenkasi reversing the judgment and decree dated 09.01.2012 made in O.S.No.86 of 2009 on the file of the Principal District Munsif Court, Thenkasi.

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. C.M.Ganesan, Advocate for the Petitioners and of Mr.G.Sridharan for Respondents No.1 and 2 this Court made the following order:

Allowed

Sd/-

Assistant Registrar(CS II)

// True Copy //

/02/2024

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

TO

- 1.The Additional Subordinate Judge,Tenkasi.
- 2.The Principal District Munsif,Tenkasi.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(For Posting the CMP(MD).No.2312 of 2023 in SA(MD).SR.No.19925 of 2021)

ORDER DATED : 23/01/2024

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ORDER

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CMP(MD). No.4649 of 2023
in
CMP(MD).No.2312 of 2023
in
SA(MD).SR.No.19925 of 2021
Giving direction and etc.
as stated within.

MGJ(31.01.2024) 3P 4C

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

17.07.2023