



CMP(MD). No.174 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Monday, the Eighth day of January Two Thousand and Twenty Four
PRESENT
The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR
CMP(MD). No.174 of 2024
in
SA(MD).No.579 of 2013

1. Thalavanimuthu
2. Ganeshpandi ... Petitioners/ Appellants

Vs

1. Arlananthapuram Chrishtava Valiba Iykia Sangam
Rep. by its President
Chinnadurai (Died)
2. John Stephen
3. Vedanayagam ... 1st and 2nd Respondents/ Respondents
... 3rd Repondent/ Proposed Substitute Respondent

Prayer :-

Civil Miscellaneous petition filed Under Order 41 Rule 19 of the Civil Procedure Code to Restore the above second appeal in S.A.(MD) No.579 of 2013 which was dismissed for default on 03.02.2023.

Prayer in S.A.(MD) No.579 of 2013 :

This Second Appeal has been filed under Section 100 of C.P.C., against the Judgment and Decree passed in A.S.No. 33 of 2011, dated 25/07/2011 on the file of the learned Additional District Court(Fast Track Court No.1), Thoothukudi reversing the Judgment and Decree dated 03.07.2009 made in O.S. No.76 of 2005 on the file of the learned District Munsif, Sathankulam.

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

<https://www.mhc.tn.gov.in/judis>



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hearing the arguments of Mr. R.Balakrishnan, Advocate for the Petitioner and of Mr. P.R.Prithiviraj Advocate for the Respondent No.2, this Court made the following order:

This application has been filed seeking restoration of the second appeal in S.A. (MD) No.579 of 2013, which was dismissed for non-compliance of the conditional order dated 03.02.2023 passed by this Court.

2. Learned counsel appearing for the respondents reported no objection for allowing this application.

3. It is submitted by the learned counsel for the petitioners that the petitioners have already taken steps for complying with the order dated 03.02.2023 passed by this Court and appropriate application is already filed seeking substitution of the name of the President of the Respondent-Sangam *vide* C.M.P.(MD) SR No.62838 of 2023.

4. In the light of the above, this application is ordered and the main Second Appeal shall stand restored on to the file of this Court.



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5. Registry is directed to number C.M.P.(MD) SR No.62838 of 2023. Post

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Second Appeal on 02.02.2024.

Sd/-

Assistant Registrar (CO)

// True Copy //

/02/2024

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

Abr

TO

1. The Additional District Judge(Fast Track Court No.1),
Thoothukudi.
2. The District Munsif, Sathankulam.
3. The Sub Assistant Registrar (A.E.,)
Madurai Bench of Madras High Court, Madurai.

Copy to:

1. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)
2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.



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ORDER DATED : 08/01/2024

NEXT DATE : 02/02/2024

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ORDER

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CMP(MD). No.174 of 2024

in

SA(MD).No.579 of 2013

Giving direction and etc.
as stated within.

RD(31/01/2024) 4P / 7C

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