



CMP(MD). No.9124 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Friday, the Nineteenth day of July Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CMP(MD). No.9124 of 2024
in
SA(MD).SR.No.59029 of 2023

D.Velusamy ... Petitioner/ Appellant

..Vs..

1 Ramuthevar

2 Sulaikal Beevi

3 Kannan

4 Latha

5 Sekar ... Respondents/ Respondents

Prayer :-

Civil Miscellaneous Petition filed Under Order 41 Rule 19 of C.P.C to set aside the order dated 19.10.2023 made in CMP(MD) No.11120 of 2023 in SA(MD).SR. No.59029 of 2023 and restore the above Civil Miscellaneous Petition and reheard on merits.

Prayer in CMP(MD) No.11120 of 2023 in SA(MD).SR. No.59029 of 2023:

Civil Miscellaneous Petition filed under Section 5 of Limitation Act, seeking to condone the delay of 1925 days in preferring the present Second Appeal in SA(MD).SR.No.59029 of 2023.

Prayer in SA(MD).SR. No.59029 of 2023:

Second Appeal is filed under Section 100 of Code of Civil Procedure to set aside the impugned Judgment and Decree dated 17.08.2015 passed in A.S.No.35

<https://www.mca.gov.in/judis>



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of 2010 on the file of the Sub Court, Ramanathapuram confirming the Judgment and Decree dated 21.04.2010 passed in O.S.No.90 of 2007 on the file of the District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District.

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. T.Palanisamy, Advocate for the Petitioner, this Court made the following order:

Learned counsel for the petitioner would submit that due to the wrong spelling of his name in the cause list, he could not appear before this Court on 19.10.2023 and the petition was dismissed for default.

2. In view of the above submission made by the learned counsel for the petitioner, this petition is allowed and C.M.P.(MD)No.11120 of 2023 is restored to file.

3. Registry is directed to restore C.M.P.(MD)No.11120 of 2023 to file and post before this Court on 23.07.2024.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

22/07/2024

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

pnn



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TO
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1. The Subordinate Judge, Ramanathapuram.
2. The District Munsif cum Judicial Magistrate, Thiruvadanai.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(for posting the CMP(MD) No.11120 of 2023 in
SA(MD).SR.No.59029 of 2023 on 23.07.2024)

ORDER DATED : 19/07/2024

NEXT DATE : 23/07/2024

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ORDER

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CMP(MD). No.9124 of 2024

in

SA(MD).SR.No.59029 of 2023

Giving direction and etc.
as stated within.

RD(22/07/2024) 3P / 4C

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