



CMP(MD). No.4420 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Thursday, the Nineteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD). No.4420 of 2023

in

SA(MD) No.18 of 2023

Rajasekar

... Petitioner/ Appellant

Vs

Thiyagarajan

... Respondent/Respondent

Prayer in CMP(MD) No.4420 of 2023 :-

The Civil Miscellaneous Petition is filed Under Order 41 Rule 19 of Civil Procedure Code to set aside the dismissal order in S.A.(MD).No.18 of 2023 dated 28-03-2023 and restore the same on the file of this Hon`ble Court.

Prayer in SA(MD) No.18 of 2023:-

Second Appeal filed Under Section 100 of Civil Procedure Code,to allow the Second Appeal and call for the Judgement and Decree passed by the Principal District Court, Ramanathapuram dated 13-09-2021 in A.S.No.07 of 2021 reversing the judgment and decree passed by the Sub Court, Ramanathapuram dated 23-07-2020 in O.S.No.104 of 2013 and set aside the same.



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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.J.M.Hasanul Bazari, Advocate for the Petitioner, this Court made the following order:

“This Miscellaneous petition is filed to set aside the Judgement of this Court in SA(MD) No.18 of 2023, dated 28.03.2023, wherein, the second appeal was dismissed for non-prosecution.

2.Considering the submissions made by the learned counsel for the appellant, this Miscellaneous Petition is allowed. The Second appeal in SA(MD) No.18 of 2023 is restored to file.

3.Registry is directed to list the second appeal on **23.09.2024.**”

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/09/2024

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

VRN

To

1. The Principal District Judge,
Ramanathapuram.

2. The Subordinate Judge,
Ramanathapuram.



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Copy to:

The Section Officer,
Judicial Section,

Madurai Bench of Madras High Court, Madurai

*(For the purpose of listing
the Second Appeal on 23.09.2024)*



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CMP(MD). No.4420 of 2023

ORDER DATED : 19/09/2024

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ORDER

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CMP(MD). No.4420 of 2023

in

SA(MD) No.18 of 2023

SI -(20.09.2024) 4P/ 4C

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