



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Eighth day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CMP(MD). No.6056 of 2024

in

C.M.P(MD)NO.5505 of 2018

in

S.A.(MD)NO.66 of 2013

1. Murugesan (Died)
2. Ramasamy
3. Ganesan
4. Thangaraj
5. Dhanam
6. Rajendran
7. Saroja
8. M. Saroja
9. M. Sundaramoorthy
- 10.M. Manikandan
- 11.G. Magudeeswari
- 12.M. Kalaiselvi

... Petitioners/Petitioners/LR's of 1st Appellant

Vs

- 1 Thangammal
- 2 Vairavalingam

... Respondents/Respondents/Plaintiffs

- 3 Rajasekar
- 4 Sivabalan

... Respondents/Respondents/Defendants



Prayer :-

Civil Miscellaneous Petition filed under order 41 Rule 19 of C.P.C. Pleaded to set aside the order dated 16-07-2018 and restore the C.M.P.(MD).No.5505 of 2018 in S.A.No.66 of 2013 on the file of this Honourable Court and thus render justice.

Prayer in C.M.P(MD)NO.5505 of 2018:-

Civil Miscellaneous Petition filed under order 41 Rule 19 of C.P.C. Pleaded to allow the petitioners No. 8 to 12 as Legal Heirs/proposed Appellants No.1 to 5 in S.A.No.66 of 2013.

Prayer in S.A.(MD)NO.66 of 2013:-

Second Appeal filed under Section 100 of C.P.C. as against the judgment and decree passed in A.S.No.33 of 2011 on the file learned Principal District Judge, Dindigul dated 16/07/2012 partly allowing the judgment and decree passed in O.S.No.267 of 2004 on the file of the Principal Sub Judge, Dindigul dated 08.06.2011.

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 M/s. S. Rajasekar, Advocate for the Petitioners and of Mr. M.R. Srinivasan, Advocate for the respondents, this Court made the following order:

This Civil Miscellaneous Petition has been filed to set aside the order dated 16.07.2018 and restore the C.M.P(MD)No.5505 of 2018 in S.A(MD)No.66 of 2013 on the file of this Court.

2. Heard the learned counsel appearing for the petitioners.



3.Mr.M.R.Srinivasan, learned counsel appearing for the respondents has no objection for allowing this petition.

4. Being satisfied with the reasons stated in the affidavit filed in support of the petition and in the interest of justice, this petition is allowed.

5. Registry is directed to restore the C.M.P(MD)No.5505 of 2018 in S.A(MD) No.66 of 2013 on file and list the matter on 15.07.2024.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/07/2024

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

TO

1. The Principal District Judge, Dindigul

2. The Principal Sub Judge, Dindigul

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai



WEB COPY



ORDER DATED : 08/07/2024

HEARING DATED : 15/07/2024

=====

RESTORE

=====

CMP(MD). No.6056 of 2024
in
C.M.P(MD)NO.5505 of 2018
in
S.A.(MD)NO.66 of 2013

Giving direction and etc.
as stated within.

RE (12.07.2024) 4P/ 4C

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