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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty Eighth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.1497 of 2024
in
SA.NO.1894 OF 2001

1.Annammal(Died)
2.M.A.Sebastin

...1st Appellant
... Petition/ 2nd Appellant

Vs

1 Sivagangai RC Diocese
Through its Procreator General,
Sivagangai District,
Sivaganagai.

2 R.C.Church Through Pangu Thanthai
Karkalathur,
Chinna Keeramangalam ,
Sivagangai District.

3 M.A.Berkmans,

... Respondents/ Respondents

Prayer :-

Civil Miscellaneous Petition filed Under order 41 Rule 19 of CPC to set aside the order of dismissal for non-prosecution of the above second appeal in S.A.No.1894 of 2001 dated 12-04-2023 and restore the same .

Prayer in SA. 1894/ 2001 :

Second Appeal filed Under Section 100 of C.P.C praying this Court to prefer this memorandum of grounds of Second Appeal against the judgement and decree dated 30.11.2000 and made in A.S.No.21/1999 on the file of the Sub Court, Devakkottai reversing the judgment and decree dated 24.4.1998 made in



O.S.No.88/1995 on the file of the District Munsif Court, Devakkottai.

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. K K Senthil, Advocate for the Petitioner and of M/s. V.John Kennady For R1 & R2, and the 3rd respondent not appearing in person or by advocate this Court made the following order:

This Petition is filed to restore the second appeal.

2. S.A.No.1894 of 2001, was dismissed for non-prosecution on 12.04.2023.

3. The learned counsel for the petitioners and the learned counsel for the respondents 1 and 2 are present. There is no representation for the third respondent.

4. Heard both sides.

5. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition. Accordingly, this Civil Miscellaneous Petition is allowed.

6. Registry is directed to restore S.A.No.1894 of 2001 and post the matter after two weeks.

Sd/-

Assistant Registrar(C.O)

// True Copy //

/03/2024

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



1. The Subordinate Judge,
Devakkottai.

2. The District Munsif,
Devakkottai.

Copy to:

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

(With a direction to post the SA after 2 weeks)

ORDER DATED : 28/02/2024

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Restored
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CMP(MD). No.1497 of 2024
in
SA.NO.1894 OF 2001
Giving direction and etc.
as stated within.

SSA (05.03.2024) 3P/ 4C

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