



CMP(MD). No.12527 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD). No.12527 of 2023

in

SA(MD).No.569 OF 2022

P. Alaguthevar

...Petitioner/ Appellant/ Appellant/Plaintiff

Vs

1 A. Saravanavelu

...Respondent/ Respondent/ Respondent/Defendant

Prayer :-

Civil Miscellaneous Petition filed under order 41 Rule 19 of CPC,to set aside the order dated 31.03.2023 wherein S.A.No.569 of 2022 was dismissed for default and restore the same.

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 M/s. R.Paranjothi, 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.569 of 2022 on 31.03.2023, wherein, the second appeal was dismissed for default.



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2.Learned counsel appearing for the petitioner/appellant submits that the second appeal was listed in the name of Mr.K.Baalasundharam, the learned Senior Counsel. Since he was designated as a Senior Counsel, his name does not reflect in the list and therefore, he could not follow up with the case and hence, the second appeal was dismissed as default.

3.Considering the submissions made by the learned counsel for the appellant and also it is reported that the second appeal was listed in the name of the Senior Counsel, before the conferment of senior counsel, this Miscellaneous Petition is allowed. The Second appeal is restored to file.

4.Registry is directed to list this second appeal on 27.09.2024."

Sd/-

Assistant Registrar(C.O)

// True Copy //

/09/2024

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

Copy to:

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



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ORDER DATED : 13.09.2024

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ORDER

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CMP(MD). No.12527 of 2023

in

SA(MD).No.569 OF 2022

SI -(24.09.2024) 3P/ 2C

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