



CMP(MD). No.9664 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Wednesday, the Thirty First day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY
CMP(MD). No.9664 of 2023
in
SA(MD) No.664 of 2022

1. Sonaimuthu

2.Chinnathambi

3.Nachiyappan ... Petitioners/ Appellants

Vs

1 Irsath Ahamad

2 Thalamuthu ... Respondents/ Respondents

Prayer in CMP (MD) No.9664 of 2023

Civil Miscellaneous Petition filed under order 41 Rule 19 of CPC to set aside the dismissal order dated 17.04.2023 due to non - prosecution and Restore the same and thus render justice.

Prayer in SA(MD) No.664 of 2022

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 17.06.2022, and made in Appeal Suit No.98 of 2017 on the file of the Additional Subordinate Judge, Dindigul, confirming the judgment and decree dated 22.06.2017, made in Original Suit No. 5 of 2013 on the file of the District Munsif, Nilakottai.

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



CMP(MD). No.9664 of 2023

Mr.J.Gunaseelanmuthiah Advocate for the Petitioner this Court made the following
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order:

This Civil Miscellaneous Petition is filed to set aside the dismissal order, dated
17.04.2023.

2. The Learned Counsel appearing for the respondents have not raised
serious objections for condoning the delay.

3. Considering the reasons stated in the affidavit filed in support of the
petition, this petition is allowed.

4. Registry is directed to restore the Appeal and post the matter on
29.02.2024.

5. Notice to the respondents. Private Notice is also permitted.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/02/2024

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

TO

1.The Additional Subordinate Judge,
Dindigul.

<https://www.mhc.tn.gov.in/judis>



CMP(MD). No.9664 of 2023

2.The District Munsif,
Nilakottai.

Copy to:

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

2.The Section Officer,
VR Section
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 31/01/2024

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ORDER

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CMP(MD). No.9664 of 2023

in

SA(MD) No.664 of 2022

Giving direction and etc.
as stated within.

KB(07.02.2024) 3P 6C