



CMP(MD) No.16521 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Sixth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CMP(MD) No.16521 of 2024

IN

SA(MD) No.567 of 2019

Subbulakshmi

...Petitioner/ Appellant

Vs

1.Vijaya Jeyaseelan David

2.R.Suresh

3.M.Padmanaban

4.Ramamoorthy

...Respondents/ Respondents

Prary in CMP(MD)No.16521 of 2024:-

This Civil Miscellaneous Petition filed Under Order 41 Rule 19 of CPC., praying this Court, to restore the second appeal by setaside the order passed in S.A (MD)No.567 of 2019 dated 27.03.2023 which was dismissed for non-prosecution.

Prayer in SA(MD). 567/ 2019 :

This Second Appeal filed under section 100 of CPC, praying this Court to set aside the judgment and Decree dated 31.7.2019 passed in AS.No.67/2016 on the file of the 4th Additional District Court, Tirunelveli, reversing the judgment and Decree dated 25.7.2016 passed in O.S.No.112/2012 on the file of the Additional Sub Court Tirunelveli.

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



CMP(MD) No.16521 of 2024

hearing the arguments of Mr.H.Arumugam, Advocate for the Petitioner and of Mr.A.Prasanna Rajadurai, Advocate for the First Respondent, this Court made the following order:

"The Civil Miscellaneous Petition has been filed seeking orders to restore the S.A(MD)No.567 of 2019, on file, which was dismissed for non prosecution on 27.03.2023.

2.Heard the learned counsel for the petitioner as well as the learned counsel appearing for the first respondent.

3.When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that he is ready to canvass his arguments in the second appeal itself. At this juncture, the learned counsel for the respondent would submit that they have no objection to allow this petition.

4.Considering the above, this petition is allowed."

Sd/-

Assistant Registrar (CS.I)

// True Copy //

/12/2024

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

das



CMP(MD) No.16521 of 2024

To
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- 1.The IVth Additional District Judge,
Tirunelveli.
- 2.The Additional Subordinate Judge,
Tirunelveli.
3. The Section Officer,
VR Section,
Madurai Bench Of Madras High Court,
Madurai.
4. The Section Officer,
Judicial Section,
Madurai Bench Of Madras High Court,
Madurai.

ORDER DATED : 26/11/2024

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ORDER

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CMP(MD)No.16521 of 2024

in

SA(MD)No.567 of 2019

Giving direction and etc.
as stated within.

SL(05.12.2024)/ 3P/ 6C

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