



CMP(MD). No.10454 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Twelfth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

AND

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CMP(MD). No.10454 of 2024

in

AS(MD)No.202 of 2011

1. Umarani (Died)

2. Manimekala

3. Mankayarkarasi

...Petitioners 1 to 3/ Appellants 1 to 3/plaintiff

4. M.Ramprasath

... 4th Petitioner/ 4th Appellant

Vs

1 Paramasivam

2 Solamalai Raja

3 Amutha

4 Indira

5 Vanitha

6 M. Sharmila

... Respondent/Respondent/Complainant



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Prayer in CMP(MD) No.10454 of 2024:-

The Civil Miscellaneous Petition filed Under Order 41 Rule 19 of Civil Procedure Code to set aside the order dated 18.02.2022 and restore the appeal in AS (MD). No.202 of 2011, which was dismissed for default on 18.02.2022 and thus render justice.

Prayer in AS(MD) 202 of 2011:-

The Appeal Suit filed Under Section 96 of Civil Procedure Code to set aside the Judgment and Decree dated 06.06.2011 passed in O.S.No.191 of 2008 don the file of the I Additional District Judge, Madurai with respect of items No.11 to 13 of the suit properties by allowing the appeal with cost.

ORDER:- This Civil Miscellaneous Appeal 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 Mr.H.Arumugam, Advocate for the Petitioner and of Mr.C.M.Arumugam, Advocate for the first Respondent, Mr.S.Senthilkumar, Advocate for the second and third respondents, this Court made the following order:

(Order of the Court was made by P.VELMURUGAN,J)

"This Petition is filed to set aside the order made in A.S(MD)No.202 of 2011, which was dismissed for default on 18.2.2022 and restore the same to file.

2.Heard the learned counsel appearing on either side and perused the



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materials placed before this Court.

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3.Though the reasons stated in the accompanying affidavit filed in support of this Petition is not satisfactory, in order to give an opportunity to the appellants to contest the appeal suit on merits, this Petition is ordered and the appeal suit is restored to file.

4.List the appeal suit for hearing on 19.08.2024."

Sd/-

Assistant Registrar (CO)

// True Copy //

/08/2024

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

vsn

TO

1. I Additional District Judge,
Madurai.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(for the purpose of listing AS(MD) No.202 of 2011 on 19.08.2024)



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ORDER DATED : 12/08/2024

Next Hearing Date :19.08.2024

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ORDER
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Giving direction and etc.
as stated within.

SL(16.08.2024)/ 4P/ 3C

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