



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Fourteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CMP(MD). No.16719 of 2023

in

A.S(MD)No.47 of 2010

1. James George,
2. Francis Xavier
3. Nagarathinam .

4. Chandra

5. Rajeswari

6. Anbu Ammal

7. Govindaraj

8. Pandiammal

9. Nagendran

10. M.Ramalingam

11. Suruliveru Pillai

12. P.Murugan (Died)

... Petitioners 1 to 12 / Defendants 1,2,4,9, 11 to 16 & 21

13. Amaravathi

14. Jeyabal

15. N.Sudha

16. Paulraj

17. Prema

18. Sundari

19. Kalavathy

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



20. Karpagavalli

21. Rasathy

22. Krishnan

23. S.V.Murugesan

24. Mayandi Thevar

... Petitioners 13 to 24/ Defendants

22,24,28,29,30 to 33,37,38,40 & 42

Vs

Savarimuthu Raja (Died)

1.George Joseph

Mahimairaj (Died)

2 Antonysamy

3 Jesuraj

4 Elizabeth

5 Peleitya Ignatius Rani

6 Konjala Maria Viiyaya

7 Elizabeth Sameena

8 Lazarus Maria Sudha

9 Lazer Antony Rajkumar

10 Lauzer Ignatius

11 Jeyaraj

12 Leela Roselin

13 Philominal



14 Rita Rani

15 Lawrence Jegannathan

16 Rajeswari

17 Kubendran

18 M.Manjula Devi

19 A.Pandi

20 Pappammal

21 Kumaravel

Vellaiponuammal (Died)

22 Rajeswari

23 P.Mariammal

24 R.Angusamy

25 A.M.Nagendran

Jayapal (Died)

26 Surulivelu Pillai

27 Muniammal

28 Surulivelu Pillai

29 Chinna Thai

30 Mariyahoo

31 Sivakumar

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



32 Muthulakshmi

33 Sathya

34 Pushpavalli

35 Sathiskumar

36 Rajalakshmi

37 Ashtalakshmi

38 Lakshmi

39 Vishnu Balan (Miror)

40 Vignesh (Minor) ... Respondents/ Plaintiffs 1,4,5 to 17 /
Defendants 3,5,6,8,18,23,19,20,25 to 27,36,39,41,43 to 51 to 53

Prayer :-

Civil Miscellaneous Petition filed under order IV Rule 9(4) AS Rules, to set aside to dismissal order passed in A.S.No.47/2010 dated 13.07.2022 and to restore the appeal which was dismissed for default and decide the case on merits.

Prayer in AS(MD).47/2010 :

Appeal Suit filed under Section 96 of the Code of Civil Procedure to set aside the decree and judgment made in O.S.No.74 of 2004 dated 04.12.2009 on the file of the learned fast Track Judge/Additional District Judge, Dindigul.

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. J. John, Advocate for the Petitioner and of M/s. A.M. Singarayar Chinnaraja For R1 to R3 ,5,8,10,11 to 15, M/s. H. Arumugam, For R4 and R9, M/s. S. Manohar For R 23, M/s. A. Dharani for R 27, R 31 to 34 M/s. D. Venkatesh For 39 & 40, Advocate for the respondents 6th & 8th respondents not appearing in person or by an advocate, this Court made the following order:



This Civil Miscellaneous Petition has been filed by the petitioner to set aside the dismissal order passed in A.S(MD)No.47 of 2010, dated 13.07.2022 and to restore the appeal, which was dismissed for default.

2. Notice served to the respondents.

3. No counter was filed by the respondents.

4. Considering the reasons stated in the affidavit and considering the facts and circumstances of this case, this Civil Miscellaneous Petition stands allowed, accordingly.

5. List the main appeal on 22.03.2024.

Sd/-

Assistant Registrar(CO)

// True Copy //

20/03/2024

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



TO
The Additional District Judge,
Dindigul.

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. (2 Copies)

ORDER DATED : 14/03/2024

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ORDER

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CMP(MD). No.16719 of 2023

in

A.S(MD)No.47 of 2010

Giving direction and etc.

as stated within.

MK/20.03.2024 6P 5C

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