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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CMP(MD). No.8596 of 2022

in

AS(MD).No.189 of 2011

- 1. Pandi**
- 2. Muthuraman**
- 3. Pothumponnu**
- 4. Karthick**

... Petitioners/Appellants

Vs

- 1 V.Kamachi(Died)**
- 2 Kathaiah**
- 3 Rengan**
- 4 Ganesan (Died)**
- 5 Kamalam**
- 6 Angammal(Died)**
- 7 Vasanthal**
- 8 Amirtham @ Pothumponnu,**
- 9 Mangayee**

.. 1st Respondent

**.. Respondents No.2 to 9/
Respondents No.2 to 9**

- 10 Shanthi**
- 11 Kannadasan**
- 12 Thirunavukarasu**
- 13 Santhya**

.. Respondents No.10 to 13

**(Respondents No.10 to 13 are brought on record
as LRS of the deceased 4th respondent vide Court
order dated 15.03.2023 made in CMP(MD).
No.1967/2023 in AS(MD).No.189/2011)**



14 Rani
15 Muthulakshmi
16 Selvaras
17 Parameswari

... Respondents No.14 to 17

(Respondents No.14 to 17 are brought on record as LRS of the deceased 6th respondent vide Court order dated 21.09.2023 made in CMP(MD).Nos.4453 and 4455 of 2023 in AS(MD).No.189/2011)

Prayer :-

Civil Miscellaneous petition filed under Order 41 Rule 19 of Civil Procedure Code to set aside the order passed by this Court in A.S.(MD).No.189 of 2011 dated 15.07.2022 and Restore the same on the file.

Prayer in A.S.(MD).No.189 of 2011:

Appeal Suit is filed under Section 96 of the Code of Civil Procedure to set aside the decree and judgment made in O.S.No.6 of 2006 dated 27.04.2011 on the file of the learned District Judge, Sivagangai

ORDER:- This Civil Miscellaneous petition is 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. K.P.Narayanakumar, Advocate for the Petitioner and of Mr. Mr.S.P.Maharajan, Advocate for Respondent No.2 and 3, none having appeared for the Respondents No.5, 7 to 16 either in person or through Counsel, this Court made the following order:

This petition has been filed to restore the appeal which was dismissed for default on 15.07.2022.

2. The learned counsel appearing for the respondents 2 and 3 has no objection for allowing this petition. Some of the respondents names also printed in the cause list, no one appeared on behalf of them.



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

4. Registry is directed to list the appeal on **07.03.2024**.

Sd/-

Assistant Registrar(CO)

// True Copy //

/03/2024

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

TO

The District Judge, Sivagangai.

Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(for posting the matter on 07.03.2024)

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



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ORDER DATED : 01/03/2024

NEXT DATED : 07/03/2024

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RESTORATION ORDER
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**CMP(MD). No.8596 of 2022
in
AS(MD).No.189 of 2011**

MK/05.03.2024 4P 5C

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