



CMP(MD). No.1203 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Friday, the Second day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD). No.1203 of 2024
in
SA(MD)No.497 of 2008

Kalaivani (Died)
A Deaf and Dumb Person Represented by Her
Mother Manimekalai

1. Guna
2.Saminathan
3.Gunasekaran @ Gunaseelan
4.Manimekalai ... Petitioner/ Appellant

Vs

1 Meenakshi
2 Malachami ... Respondents/ Respondents

Prayer in CMP(MD). No.1203 of 2024

Civil Miscellaneous petition file under order 41 Rule 19 of CPC to order to restore the S.A.(MD). No. 497 of 2008 Dismissed for default on 06.02.2018 and thus render justice.

Prayer in SA(MD)No.497 of 2008

Second Appeal filed under section 100 of CPC., against the Judgment and Decree dated 22.12.2006 made in AS No.292 of 2004 on the file of the Principal

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



CMP(MD). No.1203 of 2024

Subordinate Judge, Madurai reversing and setting aside the Judgment and Decree in O.S. No.167 of 1998 dated 13.12.2004 on the file of the District Munsif, Melur.

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 Mr.R.A.Mohandram Advocate for the Petitioner and of Mr.A.Kathirvel Advocate for the 1st Respondent, this Court made the following order:

This application is filed seeking restoration of the 2nd appeal that was dismissed for default on 06.02.2018 along with condone delay petition. The condone delay petition was ordered by this Court subject to the payment of cost of Rs.5,000/- and the cost was paid by the appellants and hence, the said application was allowed.

2. No counter is filed in this petition.

3. In view of the same, for the reasons stated in the accompanying affidavit filed in support of this petition, this petition is ordered and the order, dated 06.02.2018 passed in S.A.No.497 of 2008 is set aside and the Second Appeal is restored to the file of this Court.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/02/2024

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

TRP



CMP(MD). No.1203 of 2024

TO
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1.The Principal Subordinate Judge,
Madurai.

2.The District Munsif ,
Melur.

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 : 02/02/2024

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Restore

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CMP(MD). No.1203 of 2024

in

SA(MD) No.497 of 2008

Giving direction and etc.
as stated within.

RD(09/02/2024) 3P / 6C

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