



CMP(MD). No.8540 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Eleventh day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

AND

The Hon`ble Mr.Justice P. VADAMALAI

C.M.P(MD). No.8540 of 2021

in

A.S(MD)No.22 of 2012

Jebamani Selvakumar

... Petitioner/ Appellant

Vs.

1. S.Radha(Died)
Through her Power Agent
G.Vinoth Kumar

2. R.Uma

3. Vinoth Kumar

... Respondents/ Respondents

Prayer in C.M.P(MD). No.8540 of 2021 :-

This petition is filed under Order 41 Rule 19 r/w. 151 of Civil Procedure Code to set aside the order dated 12.03.2021 of dismissing the First Appeal for non prosecution and restore the First appeal in A.S(MD)No.22 of 2012.



CMP(MD). No.8540 of 2021

Prayer in A.S(MD)No.22 of 2012 :-

WEB COPY Appeal Suit filed under Section 96 of Code of Civil Procedure, against the judgment and decree made in O.S.No.32 of 2011, on the file of the Additional District and Sessions Court, Fast Track Court No.I, Tirunelveli, dated 29.11.2011.

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. V.Meenakshi Sundaram, Advocate for the Respondents Nos. 2 and 3 and the Petitioner having not appeared either in person or through a Counsel herein, this Court made the following order:

This petition is filed to set aside the order passed dismissing A.S(MD)No.22 of 2012 for non-prosecution, dated 12.03.2021.

2. There is no representation for the petitioner.
3. The learned counsel for the respondents both in the appeal as well as in this petition stated that the suit is laid for recovery of mortgage money and the suit came to be decreed. Now, the plaintiffs/respondents has laid an application for passing a final decree and that also came to be ordered. Thereafter, they took out E.P.No.18 of 2016 on the file of the III Additional District Judge, Tirunelveli, for auctioning the mortgage property and the auction indeed had been made and possession had been handed over to the auction purchaser by way of E.A.No.5 of 2020 and the auction purchaser has since sold the property to third parties. The said statement of the learned counsel for the respondents is recorded.
4. It is now too obvious why the petitioner is not represented today.



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5. In view of the above, this Civil Miscellaneous Petition is dismissed.

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Sd/-

Assistant Registrar(CS III)

// True Copy //

/08/2024

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

TO

**The Additional District and Sessions Judge,
Fast Track Court No.I, Tirunelveli**
Copy to:

The Section Officer,
Judicial Posting Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 11/07/2024

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ORDER

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CMP(MD). No.8540 of 2021
in
A.S(MD)No.22 of 2012
Giving direction and etc.
as stated within.

MK/01.08.2024 3P 3C

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