



CMP(MD). No.9487 of 2023

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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 Mrs.Justice S.SRIMATHY

CMP(MD)No.9487 of 2023

in

SA(MD)No.112 of 2022

Y.Arulraj

... Petitioner/Appellant

Vs

A.Sudalai(Died)

1.Ganapathy

2.Bahatsingh

3.Janaki

... Respondents/Respondents

Prayer in CMP(MD)No.9487 of 2023 :- Civil Miscellaneous Petition filed Order 41 Rule 19 Section 151 of C.P.C., to set aside the dismissal order in S.A.No.112/2022 dated 14.06.2023 and to restore the second appeal and which was dismissed for non prosecution.

Prayer in SA(MD)No.112 of 2022:- Second Appeal filed under Section 100 of the Civil Procedure Code to set aside the Judgment and decree passed in A.S.No.39 of 2012 on the file of the Principal Sub Court, Tirunelveli, dated 26.09.2019 confirming the Judgment and decree passed in O.S.No.379 of 2007 on the file of the Principal District Munsif Court, Tirunelveli, dated 21.11.2009.

ORDER:- This Civil Miscellaneous 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.M.Suresh, Advocate for the Petitioner and of Mr.H.Arumugam, Advocate for the Respondent, this Court made the following order:-

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



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"This Civil Miscellaneous Petition is filed to set aside the dismissal order, dated 14.06.2023 in the Second Appeal.

2.The learned counsel appearing for the respondents have not raised any serious objection to restore the Second Appeal.

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

4.Registry is directed to restore the Second Appeal and post the matter for final hearing on 19.02.2024."

Sd/-

Assistant Registrar(CS I)

// True Copy //

/02/2024

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

To

1.The Principal Subordinate Judge,
Tirunelveli.

2.The Principal District Munsif,
Tirunelveli.



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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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ORDER

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CMP(MD)No.9487 of 2023

in

SA(MD)No.112 of 2022

Giving direction and etc.
as stated within.

SSA/08.02.2024 3P 6C

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