



CMP(MD) No.3157 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Sixth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD) No.3157 of 2024
in
SA(MD) SR No.17286 of 2012

M.FRANCIS

... Petitioner / Petitioner / Appellant

Vs

1 M.MANUEL @ DURAI (DIED)

2. V. YESURATHINAM

3 V. JOSEPH

4 S. FRANCIS DEVADOSS

5 MARY GRACY

6 M. MARY MERCULIN SHANTHI

7 M. SELVIN SUGANTHA

8 SELVIN SUBBA

9 FRANKILN SELVAM

10 VIMAL SINGH

... Respondents / Respondents



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Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order dated 15-09-2015 passed in MP.Nos.1, 2 and 3 of 2013 in S.A.(MD). SR.No.17286 /2012 and restore the same which was dismissed for default due to nonpayment of batta.

Prayer in MP(MD). 1/ 2013 in SA(MD).sr17286/2012 :

To condone the delay of 8 days in filing the petitioner to set aside the abatement caused to the death of 1st respondent the above application and render justice.

Prayer in MP(MD). 2/ 2013 in SA(MD).sr17286/2012 :

To set - aside the abatement caused due to the death of the 1st respondent of the above appeal and render justice.

Prayer in MP(MD). 3/ 2013 in SA(MD).sr17286/2012 :

To bring on record the respondents 5 to 10 as legal representatives of the deceased 1st respondent and rank them as 4 to 9 in the above appeal pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and render justice.

Prayer in SA(MD) SR No.17286 of 2012:

To submit this memorandum of Second Appeal before this Hon'ble Court against the judgment and decree dated 28.10.2011 passed in A.S.No.32 of 2011 by the 1st Additional Sub Court, Nagercoil as confirmed by the Judgment and Decree dated 24.03.2011 passed in O.S.No.224 of 1992 by the 1st Additional District Munsif Court, Nagercoil.

ORDER : This civil miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.PRABAKARAN, Advocate for the petitioner and of Mr.P.THIYAGARAJAN, Advocate on behalf of the Respondent Nos.5 to 10, the court made the following order:-

Allowed.



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Registry is directed to restore the M.P.(MD) Nos.1 to 3 of 2013 in SA(MD) SR No.17286 of 2012, if otherwise in order and post on 07.03.2024.

sd/-
06/03/2024

/ TRUE COPY /

06/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TMG

To

1.The I Additional Subordinate Judge,
Nagercoil.

2.The I Additional District Munsif,
Nagercoil.

Copy to:

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

ORDER
IN
CMP(MD) No.3157 of 2024
in
SA(MD) SR No.17286 of 2012
Date :06/03/2024

ED/ /SAR- (06/03/2024) 3P / 4C

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