



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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Monday, the Eighteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CMP(MD). No.11212 of 2024

in

CMP(MD).No.6838 of 2023

in

REV.APLC(MD).Sr.No.15034 of 2020

Sivakumar

... Petitioner/Petitioner/Petitioner

Vs

1.Arasu Rathinam

2.N.S.V.Nagappan

3.N.A.R.Nagaraj Died

(The Death of Respondent No.3 On 16.11.2004
is Recorded Vide Order Dated 25.02. 2013)

4.Palaniappan

5.Dr.Murugaraj

6.Subbulakshmi @ Pappa

... Respondents/Respondents/Respondents

Prayer in CMP(MD). No.11212 of 2024:-

Civil Miscellaneous Petition is filed Under Section 151 of Civil Procedure Code
pleased to restore the above C.M.P.(MD).No.6838 of 2023 on the file of this
Honourable Court thereby setting aside the dismissal order dated 04-07-2024 and
pass such further



Prayer in CMP(MD). No.6838 of 2023:-

Civil Miscellaneous Petition is filed Under ORDER -IV RULE -9(4) OF Appellate side Rules pleaded to Condone the delay of 370 days in representation of the Review Petition(MD) SR.No.15034 of 2020 in S.A.No.1499 of 2002 on the file of this Hon'ble court.

Prayer in REV.APLC(MD).Sr.No.15034 of 2020:-

Review Application filed Order 47 Rule 1 & 2 (Under Section 114 of Civil Procedure Code) pleaded to allow the Review Application by setting aside the judgment and decree dated 16.12.2019 in S.A.(MD).No.1499 of 2002 on the file of this Hon'ble Court.

Prayer in S.A.No.1499 of 2002:-

Second Appeal is filed Under Section 100 of the Code of Civil Procedure Code against the judgment and decree of the Additional District Judge cum Chief Judicial Magistrate, Sivagangai, dated 11.06.2002 in A.S.No.89 of 2001 reversing the judgment and the decree of the Subordinate Judge, Sivagangai dated 20.06.2001 in O.S.No.69 of 1998.

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.B.Prahalad Ravi, Advocate for the Petitioner and of Mr.Abhinav Parthasarathy, Advocate for the first respondent, this Court made the following order:

This petition is filed, seeking to restore the CMP (Md) No.6838 of 2023 by setting aside the dismissal order dated 04.07.2024.



Heard the learned counsel for the parties. The learned counsel for the respondents has not raised any serious objection. Considering the reasons assigned in the affidavit filed in support of the petition, this petition is allowed.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/12/2024

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

TO

1 The Additional District Judge cum Chief Judicial Magistrate, Sivagangai,

2 The Subordinate Judge, Sivagangai

Copy to:

The Section Officer,

Judicial Section,

Madurai Bench of Madras High Court, Madurai

ORDER DATED : 18/11/2024

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ORDER

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CMP(MD). No.11212 of 2024

in

CMP(MD).No.6838 of 2023

in

REV.APLC(MD).Sr.No.15034

of 2020

Giving direction and etc.

as stated within.

MK/29.11.2024 3P/4C

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

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