



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CMP(MD). No.1238 of 2024

in

AS(MD) No.125 of 2013

Kannan Raja

... Petitioner/ Appellant

Vs

Bharat Singh

... Respondent/ Respondent

Prayer in CMP(MD) No.1238 of 2024 :-

This Appeal Suit is filed under section 5 of limitation Act.,to set aside the order dated 04.08.2022 and Restore the AS(MD) No.125 of 2013 which was dismissed for non prosecution vide order dated 04.08.2022.

Prayer in AS(MD)No.125 of 2013:-

This Appeal Suit is filed under Section 96 of C.P.C.,against the Judgment and decree passed by the Court of the Principal District Judge,Virudhunagar District at Srivilliputhur in OS No.21 of 2009 dated 30.11.2012.

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.M.Jerin Methew, Advocate for the Petitioner and of Mr.Y.Prakash, Advocate for the respondent, this Court made the following order:



This Civil Miscellaneous Petition has been filed to set aside the order, dated 04.08.2022 and to restore the main appeal which was dismissed for non-prosecution vide order, dated 04.08.2022.

2. The learned Counsel for the respondents had no objection for allowing this Civil Miscellaneous Petition.

3. Considering the reasons stated in the affidavit and considering that the petitioner filed this petition within time, this Civil Miscellaneous Petition stands allowed, accordingly.

4. List the main appeal on 15.02.2024.

Sd/-

Assistant Registrar(CO)

// True Copy //

/02/2024

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

TO
The Principal District Judge,
VirudhuNagar District at Srivilliputhur.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(With a direction to list the Appeal on 15/02/2024)



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ORDER DATED : 07/02/2024

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ORDER

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CMP(MD). No.1238 of 2024

in

AS(MD) No.125 of 2013

Giving direction and etc.

as stated within.

MK/12.02.2024 3P 3C

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