



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Wednesday, the Sixteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD). No.12757 of 2024

in

S.A(MD)No.351 of 2005

1. E.A.P.Subramanian Chettiar (Died)

2. S. Muthulakshmi

3. S. Muragavelu

4. S. Kandavelu

5. S. Sakthivelu

6. S. Deivannai

... Petitioners 2 to 6/ Appellants 2 to 6

(Appellants 2 to 6 are brought on record as LR's of the deceased Sole Appellant vide order dated 07.07.2023 in MP(MD)No.2 of 2008)

Vs

1 A.S.Sikander Sahib (Died)

2. The State of Tamil Nadu
by its District Collector,
Collectorate Buildings,
Madurai - 625 020.

3 The Tahsildhar
Madurai South Taluk,
Collectorate Buildings,
Madurai - 625 020.



4 The Executive Engineer,
Tamil Nadu Electricity Board (West)
Anuppanadi, Madurai - 625 009.

5 The Assistant Engineer
Tamil Nadu Electricity Board (West)
Avaniapuram, Madurai - 625 012.

... Respondents/Respondents

Prayer :-

Civil Miscellaneous Petition under order 41 Rule 19 read with Section 151 Civil Procedure Code to set aside the order of dismissal of the appeal dated 19-07-2024 and restore the same on merits and thus render justice.

Prayer in S.A(MD)No.351 of 2005:-

Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree, dated 24.11.2004 passed in A.S.No.167 of 2002 on the file of III Additional Subordinate Judge, Madurai, reversing the judgment and decree, dated 04.04.2002, passed in O.S.No.46 of 2000 on the file of District Munsif Court, Madurai Taluk, Madurai.

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.Sridher, Advocate for the Petitioners and of Mr. R. Ragavendran, Government Advocate for the 2nd and 3rd respondents, and Mr. B. Ramanathan, Standing Counsel for the 4th and 5th Respondents, this Court made the following order:

This application has been filed by the petitioner to set aside the order of dismissal of the appeal dated 19.07.2024 and restore the same on merits.

2. Being satisfied with the reasons stated in the accompanying affidavit, this application is ordered as prayed for and the second appeal is restored on file.



3. Post the appeal in the regular course.

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Sd/-

Assistant Registrar(CS I)

// True Copy //

/10/2024

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

TO

1. The III Additional Subordinate Judge, Madurai.
2. The District Munsif, Madurai Taluk, Madurai
3. The District Collector,
Collectorate Buildings Madurai - 625 020.
4. The Tahsildhar
Madurai South Taluk,
Collectorate Buildings,
Madurai - 625 020.
5. The Executive Enginner,
Tamil Nadu Electricity Board (West)
Anuppanadi, Madurai - 625 009.
6. The Assistant Engineer
Tamil Nadu Electricity Board (West)
Avaniapuram, Madurai - 625 012

Copy to:

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



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ORDER DATED : 16/10/2024

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ORDER

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CMP(MD). No.12757 of 2024
in
S.A(MD)No.351 of 2005
Giving direction and etc.
as stated within.

MK/24.10.2024 4P/8C

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