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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Friday, the Fifth day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

**CMP(MD). No.7645 of 2024
in
SA(MD).SR.No.23953 of 2006**

1. S.Adaikalam Alias Adaikkallaswamy (Died)

2. Vanaraj (Died)

... Petitioners 1 & 2/ Appellants 1 & 2

3. Neethi Manickam

4. Yesumary

5. Arif Mary

6. Velvette Rani

7. Pappana Jeyamary

... Petitioners 3 to 7 /

Petitioners 3 to 7/ Appellants 3 to 7

**(The legal representative of the 1st
appellant is already on record as
respondents 2 to 7)**

.. Vs ..

1 Siluvainathan

2 Selvaraj

3 S.Joseph

4 S.Xavier

5 S.Johnson



6 A.Thambiraja

7 A.Anthony Swamy

8 A.John Kennedy

9 A.Dass

**... Respondents No. 1 to 9/Respondents NO.1 to 9/
Respondents NO. 1 to 9**

10 Malathi @ Amalamathi

11 Juliet Shineka

12 Lourjeen Jeeva

**... Respondents 10 to 12/Proposed Respondents No.10 to 12/ Proposed
Respondents No.10 to 12/Legal Representatives of the 2nd Appellant**

Prayer :-

Civil Miscellaneous Petition filed under order 41 Rules 19 of the Civil Procedure Code 1908 to Set aside the order dated 14.02.2008 passed by this Court in MP(MD) No.1 of 2006 in SA (MD) SR.No.23953 of 2006 and restore the above Second Appeal on the file.

Prayer in MP(MD).No.1 to 2006 in SA (MD). SR No.23953 of 2006:

Civil Miscellaneous Petition filed under Section 5 of the Limitation Act to condone the delay of 54 days in preferring the Second appeal in SA(MD) SR. No.23953 of 2006.

Prayer in SA (MD). SR No.23953 of 2006:

Second Appeal is filed under Section 100 of Civil Procedure Code against the Judgment and Decree dated 09.09.2005 on the file of the Principal District Court, Thanjavur in A.S.No.100 of 2003 confirming O.S.No.854 of 1991 dated 24.06.2003 on the file of the District Munsif, Thanjavur.



ORDER:- This Civil Miscellaneous Petition is 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. R.Rajaraman, Advocate for the Petitioners and of Mr. V.S.Kumaraguru For Respondents No.4 and 5, this Court made the following order:

This petition has been filed to restore MP(MD) No.1 of 2006, which was dismissed for default on 14.02.2008.

2.In CMP(MD) No.8704 of 2024, to condone the delay of 4574 days of delay in filing the petition to restore the petition, cost of Rs.2,000/- was ordered by this Court on 29.04.2024 and the same was paid.

3.Hence, there is no cost required to allow this petition. This petition is allowed and MP(MD) 1 of 2006 in SA SR(MD) No.23953 of 2006 is restored on file.

Sd/-

Assistant Registrar ()

// True Copy //

/07/2024

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

TO

1. The Principal District Judge, Thanjavur

2. The District Munsif, Thanjavur



3. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(To list the matter on 15.07.2024)

ORDER DATED : 05/07/2024

NEXT DATE : 15/07/2024

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ORDER
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CMP(MD). No.7645 of 2024

SA(MD).SR.No.23953 of 2006

RE (16.07.2024) 4P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.