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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Thirty First day of July Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

AND

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.12009 and 12996 of 2023
in

AS(MD) Nos.35 & 43 of 2006

CMP(MD). No.12009 in AS(MD) No.35 of 2006

K.S.V.Nataraja Nadar(Died)

1 N.Parthasarathy

2. Sivaprakasam

3. M/s. Chitrakala Litho Works A Partnership Firm,

Rep.By its Managing Partner

K.S.C. Nataraja Nadar (Died)

Rep.By His Lrs and Succeeding Partners

M/s. Chitrakala Litho Works

4. N.Nagalakshmi (Died)

5. D.Rajamalliga

6. P.Premavathy

7. C.Kalanidhi

8. P.Umadevi

... Petitioners/ Appellants

in CMP(MD). 12009/ 2023

Vs

1 Durga

2 Vairameena

<https://www.mhc.tn.gov.in/judis>

3 Sasikala

... Respondents/ Respondents



Prayer in CMP(MD). No.12009

Civil Miscellaneous Petition file under order 41 Rule 19 of CPC., to set aside and restore the appeal in A.S.(MD)No.35 of 2006 which was dismissed on for non prosecution 01.04.2022

Prayer in AS(MD) No.35 of 2006

Appeal filed under section 96 of C.P.C against the decree and common judgment passed in O.S. No.5 of 2004 on the file of the Principal District Court, Virudhunagar District, at Srivilliputtur, dated 29.09.2004.

CMP(MD). No.12996 in AS(MD) No.43 of 2006

K.S.V.Nataraja Nadar(Died)

1. .N.Nagalakshmi (Died)
2. D.Rajamalliga
3. N.Parthasarathy
4. P.Premavathy
5. N.Sivaprakasam
6. C.Kalanidhi
7. P.Umadevi

... Petitioners 2 to 7/

Appellants 2 to 7 in CMP(MD). 12996/ 2023

- Vs. -

1. Durga

2. Vairameena

<https://www.mhc.tn.gov.in/judis>

3. Sasikala



4. Superintending Engineer,
Tamilnadu Electricity Board,
At Mallankinaru Road,
Virudhunagar.

5. Assistant Engineer
Tamilnadu Electricity Board,
At Mallankinaru Road,
Virudhunagar.

6. Commissioner Sivakasi Municipality
Sivakasi

... Respondents in CMP(MD). 12996/ 2023

Prayer in CMP(MD). 12996/ 2023 :

Civil Miscellaneous Petition filed under order 41 Rule 19 of CPC., to set aside and restore the order dated 01.04.2022 and restore the appeal in A.S.(MD)No.43 of 2006 dismissed for non prosecution on 01.04.2022

Prayer in AS(MD) No.43 of 2006

Appeal filed under section 96 of C.P.C against the decree and judgment passed in O.S. No.6 of 2004 on the file of the Principal District Judge, Virudhunagar District, at Srivilliputtur, dated 29.09.2004.

ORDER:- These Petitions coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments



of Mr.T.Lenin Kumar, Advocate for the Petitioner and of M/s.P.Malini, Advocate
for the 1st and 2nd Respondents, this Court made the following order:

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. Being satisfied with the reasons assigned in the affidavit filed in support of these petitions, these petitions are allowed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/08/2024

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

TO

The Principal District Judge,
Virudhunagar District,
at Srivilliputtur,

Copy to:

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



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ORDER DATED : 31/07/2024

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ORDER

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CMP(MD)Nos.12009 and 12996 of 2023

in

AS(MD) Nos. 35 and 43 of 2006

Giving direction and etc.

as stated within.

MGJ(30.08.2024) 5P 3C

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