



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

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Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CMP(MD). No.2025 of 2024

in

A.S.(MD). No.192 of 2018

1. Vijaya
 2. Latha
 3. Minor. Aparna
- ... Petitioners / Appellants
- (Minor rep. By her grandmother and next friend Vijaya)

Vs

- 1 The General Manager,
Indian Overseas Bank,
Annasalai Head Office,
Chennai.
 - 2 The Zonal Manager,
Indian Overseas Bank,
Zonal No.2,
Cantonment, Tiruchirappalli.
 - 3 The Branch Manager,
Indian Overseas Bank
Nachalur, Kulithalai Taluk.
 - 4 Vasantha,
 - 5 Vanitha
 - 6 Sumathi
- ... Respondents / Respondents

Prayer in C.M.P.(MD). No.2025 of 2024:-

This Civil Miscellaneous Petition is filed under Order 41 Rule 19 of CPC., to set aside the order and to restore the Appeal Suit (MD). No.192 of 2018 which was dismissed for default for no appearance on 17/03/2022.



Prayer in A.S.(MD). No.192 of 2018:-

This Appeal Suit is filed under Section 96 of the Code of Civil Procedure, against the decree and Judgment dated 31.03.2003 passed in O.S. No.70 of 2000 on the file of the Subordinate Court, Kulithalai.

ORDER:- This 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. S. Jayavel, Advocate for Petitioner, Mr. N. Dilip Kumar, Advocate for the Respondents 1 & 2 and Mrs. R. Yamuna, Advocate for Respondent Nos.5 & 6, this Court made the following order:-

This Civil Miscellaneous Petition has been filed to set aside the order, dated 17.03.2022 and to restore the appeal suit in A.S(MD)No.192 of 2018, which was dismissed for default for no appearance by this Court on 17.03.2022.

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

3. In view of the reasons stated in the affidavit and considering the facts and circumstances of this case and considering that the petition was filed within time, this Civil Miscellaneous petition stands allowed.

4. Registry is directed to restore the First Appeal.



5. Post the main appeal on 29.02.2024.

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Sd/-

Assistant Registrar(CS III)

// True Copy //

/02/2024

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

To

The Subordinate Judge, Kulithalai.

Copy to:

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

2 The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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ORDER DATED : 15/02/2024

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ORDER

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CMP(MD). No.2025 of 2024

in

A.S.(MD). No.192 of 2018

Giving direction and etc.
as stated within.

MK/21.02.2024 4P 5C

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