



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Tenth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD). No.7248 of 2024

in

CMP(MD). No.5754 of 2024

in

AS(MD).No.179 of 2020

- 1. M.Kamala**
- 2. Gnanasekar**
- 3. Kavitha**
- 4. Tamilselvan**
- 5. Valli**
- 6. Murugan**
- 7. Kumar**
- 8. Thangam**
- 9. Rajeswari**
- 10.Kamalahasan**
- 11.M.Gopinath**

... Petitioners/Appellants

Vs

1 Balasubramaniyan

**2 City Union Bank
Represented by its Manager,
SIGC Campus,
Kalamman Koil Street,
Tiruchirappalli- 620002**



**3 State Bank of India Ltd
Administrative Office ,
Cantonment,
Trichy Zone,
Tiruchirappalli.**

... Respondents/Respondents

Prayer :-

Civil Miscellaneous Petition under order 41,Rule 19 of C.P.C.,to pass an order restoring the first appeal CMPMD). No.5754/2022 in AS(MD). No.179 of 2020, which was dismissed for default on 03.08.2022 for non prosecution.

Prayer in CMP(MD). 5754/ 2022 :

Civil Miscellaneous Petition under order 41,Rule 19 of C.P.C.,to pass an order restoring the first appeal in A.S. (MD) No. 179 of 2020 which was dismissed for default on 28.04.2022 for non-prosecution and thus render justice.

Prayer in AS(MD). 179/ 2020 :

First Appeal under Section 96 of the Civil Procedure Code to set aside the judgment and decree dated 4th day of August 2018 made in O.S.No.160 of 2013 on the file of the III Additional District Judge, Tiruchirappalli by allowing this appeal and dismiss the suit in O.S.No. 160 of 2013.

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. Shangar Murali, Advocate for the Petitioner and of Mr. M.Vivek Bharathi For R1, and Mr. M.Prakash For R2,and Mr.C.Karthik For R3, this Court made the following order:

"This Petition is allowed.

Registry is directed to restore the main appeal and post the same on 20.06.2024 "

Sd/-

Assistant Registrar(CO)

// True Copy //

19/06/2024

Sub Assistant Registrar



Ksa
TO

1 The III Additional District Judge,
Tiruchirappalli.

2 The Manager,
City Union Bank
SIGC Campus,
Kalamman Koil Street,
Tiruchirappalli- 620002

3 The Officer incharge,
State Bank of India Ltd
Administrative Office,
Cantonment,
Trichy Zone,
Tiruchirappalli.

Copy to:

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

ORDER DATED : 10/06/2024

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ORDER

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**CMP(MD). No.7248 of 2024
in**

**CMP(MD). No.5754 of 2024
in**

**AS(MD).No.179 of 2020
Giving direction and etc.
as stated within.**

MK/19.06.2024 3P 5C

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