



CMP(MD). No.14201 of 2023

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

**Thursday, the Fourth day of January Two Thousand and Twenty Four
PRESENT**

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

**CMP(MD). No.14201 of 2023
in
SA(MD) No.998 of 2009**

Ramadoss ... Appellant/Petitioner

Vs

1. Rajappa alias Perumal Gounder (Died)
2. Subbammal alias Janakiri
- 3 Sarasu (Died)
- 4 Chellathayee
- 5 Rajendran
- 6 Jeya
- 7 Kaliasammal ... Respondents

(5th to 7th Respondents are Brought on record as Lrs of the deceased 1st Respondent vide court order dated 16.08.2023 made in CMP(MD) No.1805 and 1806 of 2018.)



CMP(MD). No.14201 of 2023

Prayer in CMP(MD). No.14201 of 2023

Civil Miscellaneous Petition filed under Order 41 Rule 19 of C.P.C. to set aside the order passed in S.A.(MD)No.998 of 2009 dated 15.09.2023 by this Honourable Court and restore the above second appeal and rehear on merits and thus render Justice.

Prayer:-

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 25.07.2008, made in Appeal Suit No.502 of 2004 on the file of the Principal Subordinate Judge, Dindigul, confirming the judgment and decree dated 1.11.2000, made in Original Suit No. 632 of 1998 on the file of the Principal District Munsif, Dindigul.

ORDER:- This Civil Miscellaneous 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.V.Muthukamatchi Advocate for the Petitioner and of Mr.D.Venkatesh Advocate for the 2nd 4th to 7th Respondents, this Court made the following order:

This application is filed seeking restoration of the Second Appeal, which was dismissed for non-prosecution by order, dated 15.09.2023.

2. Though the respondents served with notice and represented through counsel no counter is filed.

<https://www.mhc.tn.gov.in/> 3. In the circumstances, this application is ordered and the Second Appeal is restored



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on file subject to the condition that the learned counsel for the appellant shall get ready to argue the main Second Appeal and also subject to payment of cost of Rs.1,000/- (Rupees One Thousand only) to the Legal Services Authority attached to the Madurai Bench of Madras High Court, Madurai, within a week from the date of receipt of a copy of this order. Failing which this petition shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/02/2024

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

Trp

TO

- 1.The Principal Subordinate Judge, Dindigul.
- 2.The Principal District Munsif, Dindigul.

Copy to:

- 1.The Officer Incharge,
Legal Services Authority
Madurai Bench of Madras High Court,
Madurai.
2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai



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+1. CC to M/S.Mr.V. Muthukamatchi, Advocate SR.No.279(I)

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ORDER DATED : 04/01/2024

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ORDER

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CMP(MD). No.14201 of 2023

in

SA(MD) No.998 of 2009

Giving direction and etc.
as stated within.

RD(31/01/2024) 4P / 6C

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