



CMP(MD). No.17288 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.17288 of 2023
in
SA(MD) No.1716 of 2001

Kachamma Naicker (Died),

1)Krishnammal

2)Rathinam

... Petitioner/Proposed Appellants
(Lrs of the deceased sole Appellant)

Vs

1 Akkammal

2 S.M.Jayabalan

3 Duraisamy

4 Dhanraj

... Respondents/Respondents

Prayer in CMP(MD). No.17288 of 2023 :-

This Civil Miscellaneous Petituion is filed under section 41 Rule 19 of the C.P.C., to set aside the dismissal order dated 05.04.2023 in S.A.No.1716 of 2001 and restore the same on the file of this Honourable Court.



CMP(MD). No.17288 of 2023

Prayer in SA No.1716 of 2001:-

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This Second Appeal is filed under section 100 of C.P.C., to prefer this memorandum of grounds of Second Appeal against the judgement and decree dated 23/11/2000 and made in A.S.No.199/1999 on the file of the Additional District Judge cum Chief Judicial Magistrate, Karur confirming the judgment and decree dated 31/08/1998 made in O.S.No.632/1988 on the file of District Munsif, Karur.

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.K.Govindarajan , Advocate For Sarvabhauman Associates, for the Petitioner and of Mr.P.Srinivas, Advocate, for the 5th & 7th respondents, this Court made the following order:

“This Petition is filed to set aside the dismissal order dated 05.04.2023 dismissing the second appeal as abated and restore the above second appeal.

2.S.A.No.1716 of 2001, was dismissed as abated as against the first Respondent on 05.04.2023.



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3. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition.

Accordingly, this Civil Miscellaneous Petition is allowed.

4. Registry is directed to restore S.A.No.1716 of 2001 and list the matter after three weeks."

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/03/2024

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

TO

1. The Additional District Judge cum
Chief Judicial Magistrate, Karur.

2. The District Munsif, Karur

Copy to:

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



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CMP(MD). No.17288 of 2023

ORDER DATED : 13/03/2024

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ORDER

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CMP(MD). No.17288 of 2023

in

SA(MD) No.1716 of 2001

SI-(25.03.2024) 4P/ 4C

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