



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.2660 of 2024

in

SA(MD).No.65 of 2017

N.Nagarajan

... Petitioner/ Appellant

..Vs..

- 1 R.Perumal Samy Naidu (Died)
- 2 A.Samudeen,
- 3 A.Mohamed Moosa
- 4 A.Sheik Dawood
- 5 Muthulakshmi
- 6 Subbulakshmi
- 7 Ramakrishnan
- 8 Subburam
- 9 Adhilakshmi,
- 10 Govindarajan

... Respondents/ Respondents

Prayer :-

Civil Miscellaneous petition filed Under Order 41 Rule 19 of Civil Procedure Code to set aside the order dated 17.08.2023 and to restore the second appeal in S.A.(MD) No.65 of 2017.

Prayer in S.A.(MD) No.65 of 2017:

Second Appeal is filed under Section 100 of C.P.C, against the judgment and decree dated 24.03.2014 passed in the appeal in A.S.No.11 of 2012 on the file of the Additional District and Sessions Judge, Dindigul reversing the judgment and decree dated 08.02.2012 passed in the suit in O.S.No.85 of 2007 on the file of the Principal Subordinate Judge, Dindigul.



ORDER:- This Civil Miscellaneous 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. J.Barathan, Advocate for the Petitioner and of Mr.H.Lakshmi Shankar, Advocate for Respondents No.2 to 4, MS.M.Benazir Begum, Advocate for Respondents No.5 to 10, this Court made the following order:

This petition is filed to set aside the order, dated 17.08.2023 and to restore the Second Appeal in S.A(MD).No.65 of 2017.

2. The learned counsel for the petitioner and the learned counsel for the respondents 2 to 4 and 5 to 10 are present.

3. The learned counsel for the respondents did not raise any objection for allowing this petition.

4. Heard both sides and also perused the materials placed before this Court.

5. I have perused the affidavit filed in support of this application and being satisfied with the reasons stated in the affidavit, this Court is inclined to allow this petition. Accordingly, this Civil Miscellaneous Petition is allowed.

6. Registry is directed to restore S.A(MD).No.65 of 2017 on file and list the matter after two weeks.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/03/2024

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



TO

1. The Additional District and Sessions Judge,
Dindigul.

2. The Principal Subordinate Judge,
Dindigul.

Copy To

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

2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.
(for posting the matter after two weeks)

ORDER DATED : 01/03/2024

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RESTORATION ORDER

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CMP(MD). No.2660 of 2024
in
SA(MD).No.65 of 2017
Giving direction and etc.
as stated within.

MGJ(12.03.2024) 3P 6C

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