



CMP(MD). No.17665 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD). No.17665 of 2023

in

SA(MD)No.70 of 2013

1. Sundaravadivel (Died)

2.Sangaralinga Thevar

3.Jeyarani Chellathai

4.Princes Nallathai

5.Nancy

(Appellants 3 to 5 brought on record Gs Lrs of the first
appellant vide court order dated 10.09.2018 in

CMP(MD) Nos. 8688 to 8690 of 2018)

... Petitioner/ Appellants

Vs

Avudaiyammal

... Respondent/Respondent

Prayer in CMP(MD)17665 OF 2023 :- This Civil Miscellaneous Petition under order 41 Rule 19 of C.PC., to set aside the order dated 02.11.2022 passed by this Court in S.A.(MD).No.70 of 2013 and restore the same into the file of this Court and pass such further order or other orders.



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Prayer in S.A.(MD)No.70 of 2013:-

Second Appeal is filed under Section 100 Code of Civil Procedure, to set aside the judgment and decree made in A.S.No.9 of 2011 dated 19.11.2011 on the file of the Subordinate Court, Tuticoirn partly allowed the judgment and decree in O.S.No.527 of 2007 dated 12.01.2010 on the file of the Principal District Munsif, Tuticoirn.

ORDER:- This Revision 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. K.Sureshkumar, Advocate for the Petitioners and of Mr. S.Sivathilakar, Advocate for the respondent, this Court made the following order:

The main Second Appeal has already been dismissed as abated on the ground that the sole respondent died and no steps have been taken to bring on record the LRs of the deceased sole respondent. The present application is filed stating that the sole respondent is still alive and hence, there is no abetment caused to the main appeal.

2. The learned counsel appearing for the respondent also reported that the respondent is still alive.



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3. In the circumstances, the order dated 02.11.2022 passed in the main appeal is set aside and the Second Appeal is restored on the file of this Court.

4. Registry is directed to post the Second Appeal for hearing on 18.01.2024.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/01/2024

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

TO

1.The Subordinate Judge,
Subordinate Court,
Tuticoinr.

2.The Principal District Munsif,
Tuticoinr.

Copy to:

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

(For posting the second appeal)

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ORDER DATED : 10/01/2024

Hearing date :18.01.2024

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ORDER

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CMP(MD). No.17665 of 2023

in

S.A.(MD)No.70 of 2013

Giving direction and etc.

as stated within.

SSA/12.01.2024 4P 4C

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