



CMP(MD). No.1273 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD)No.1273 of 2024

in

SA(MD)No.1085 of 2006

- 1.Annamalai (Died)
- 2.Nallammal
- 3.Saraswathi
- 4.Ramalingam
- 5.Dharmarajan
- 6.Meenachi
- 7.Annakilli

... Petitioners 2 to 7/

Proposed Appellants 2 to 7/

Legal heirs of deceased sole

Appellant

Vs

Muthaiah

... Respondent/Respondent

Prayer in CMP(MD)No.1273 of 2024 :- Civil Miscellaneous Petition filed under Order 41 Rule of C.P.C., to set aside and restore the SA(MD)No.1085 of 2006 dated 24.08.2023 before this Hon'ble Court.

Prayer in SA(MD)No.1085 of 2006:- Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 30.06.2006 in A.S.No.80 of 2005 on the file of the Subordinate Court, Pattukkottai reversing the Judgment and Decree dated 24.11.2004 in O.S.No.92 of 2001 on the file of the District Munsif Court, Pattukkottai.



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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.K.Vijayaragavan, Advocate for the Petitioner and of Mr.A.Karthik, Advocate for the Respondent, this Court made the following order:-

This petition is filed to set aside and restore the SA(MD).No.1085 of 2006, dated 24.08.2023 before this Court.

2. The learned counsel appearing for the respondent reported no objection for allowing this petition.

3. This Court already condoned the delay of 47 days in filing an application by order, dated 29.01.2024.

4. In view of the same, for the reasons stated in the accompanying affidavit filed in support of this petition, this petition is ordered and the order, dated 24.08.2023 passed by this Court is set aside and the Second Appeal is restored on the file of this Court.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/02/2024

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



CMP(MD). No.1273 of 2024

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To

1.The Subordinate Judge,
Pattukkottai.

2.The District Munsif,
Pattukkottai.

Copy to:

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

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

ORDER DATED : 06/02/2024

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ORDER

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CMP(MD)No.1273 of 2024

in

SA(MD)No.1085 of 2006

Giving direction and etc.
as stated within.

SSA/12.02.2024 3P 6C

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