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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**Civil Appellate Jurisdiction**

**Tuesday, the Second day of April Two Thousand and Twenty Four**

**PRESENT**

**The Hon`ble Mrs.Justice S.SRIMATHY**

**CMP(MD). No.16737 of 2023**

**in**

**AS(MD).No.213 of 2022**

**Soundararajan**

**... Petitioner/Appellant**

**Vs**

**1 Jothimalar**

**2 Subban @ Subbaian(Died)**

**3 Karuppanan**

**4 Marimuthu**

**5 Saraswathi**

**6 Mahalakshmi**

**... Respondents/Respondents**

**Prayer :-**

**Civil Miscellaneous Petition filed under order 4 Rule 19 of Civil Procedure Code to Restore the above appeal in A.S(MD) No.213 of 2022 which was dismissed for default on 23.11.2023.**

**Prayer in A.S(MD) No.213 of 2022 :**

**Appeal Suit filed under Section 96 of the Civil Procedure Code, to set aside the judgment and decree dated 31.08.2021 passed in O.S.No.2 of 2018 on the file of the learned Additional District Judge, 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. S.M.Arun Kumar, Advocate for the Petitioner and**



of Mr.G.Gomathi Sankar, Advocate for Respondents No.1, none having appeared for the Respondents No.3 to 6 either in person or through Counsel, this Court made the following order:

**This Petition is allowed.**

**Registry is directed to post the Appeal on  
29.04.2024.**

Sd/-

Assistant Registrar(CS II)

// True Copy //

/04/2024

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

**TO**

**The Additional District Judge, Dindigul**

**Copy to  
The Section Officer,  
Judicial Section,  
Madurai Bench of Madras High Court,  
Madurai.  
(for posting the main case on 29.04.2024)**

**2 THE SECTION OFFICER,  
VR SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI. (2 Copies)**



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**ORDER DATED : 02/04/2024**

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**RESTORATION ORDER**

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**CMP(MD). No.16737 of 2023**

**in**

**AS(MD).No.213 of 2022**

**Giving direction and etc.**

**as stated within.**

MK/16.04.2024 3P 5C

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