



CMP(MD). No.280 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice MUMMINENI SUDHEER KUMAR

CMP(MD). No.280 of 2024

in

SA(MD).No.852 of 2007

Haridhasan Pillai (Died)

---/1st Appellant

Kamalaharan Pillai

... Petitioner/2nd Appellant

..Vs..

- 1 Thangappan
- 2 Rayappan (Died)
- 3 Sundaram (Died)
- 4 Chellamma (Died)
- 5 Kunji
- 6 Thankamma
- 7 Thankamani
- 8 Rasalam
- 9 Thaaai
- 10 Nelson
- 11 Baskaran
- 12 Selvaraj
- 13 Leela
- 14 Omana
- 15 Selvi

... Respondents/Respondents



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Prayer :-

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Civil Miscellaneous Petition filed under Order 41 Rule 19 of CPC to restore the S.A(MD) No.852 of 2007 which was dismissed for non prosecution on 05.09.2023.

Prayer in S.A(MD) No.852 of 2007 :

Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 12.12.2006 in A.S.No.11 of 2002 on the file of the Subordinate Judge, Kuzhithurai confirming the Judgment and Decree dated 05.10.2001 in O.S.No.314 of 1991 on the file of the II Additional District Munsif, Kuzhithurai.

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. K.P.Narayanakumar, Advocate for the Petitioner and of Mr. K.Sree Kumaran Nair , Advocate For the Respondent Nos. 5, 10 to 13 and 15, this Court made the following order:

"This petition is filed seeking restoration of the Second Appeal, which was dismissed for non prosecution by order, dated 05.09.2023.

2. Considering the reasons stated in the accompanying affidavit and in order to afford an opportunities to the the parties to prosecute their case on merits, this petition is ordered subject to the payment of cost of Rs.2,000/- (Rupees Two



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Thousand only) to the Legal Services Authority attached to the Madurai Bench of Madras High Court, Madurai, within a week from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without any further reference to this Court. "

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/02/2024

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

TO

- 1.The Subordinate Judge, Kuzhithurai
- 2.The II Additional District Munsif, Kuzhithurai
- 3.The Officer in charge,
High Court Legal Services Authority,
Madurai Bench of Madras High Court, Madurai

Copy to

- 1.The Section Officer,(2C)
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.
2. The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.



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ORDER DATED : 08/01/2024

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ORDER

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CMP(MD). No.280 of 2024

in

SA(MD).No.852 of 2007

SI-(06.02.2024) 4P/ 7C

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