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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Twenty Second day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.1754 of 2024
in
SA No.229 of 2004

Azhagarsamy (Died)

1. Sellamal
2. Ganesan
3. Soundarrajan
4. Saraswathi
5. Saravanan

... Petitioners/ Appellants

Vs

1 Bohar (Died)

2 Sundari

3 Satheesh Kumar

4 Rajagopal

5 Minor. Sethuraman

... 2-5 Respondents/
2-5 LR's of the 1st Respondent

(5th Minor Respondent Represented by His Mother
Sundari)



Prayer IN CMP(MD). No.1754 of 2024

Civil Miscellaneous Petition filed under order 41 Rule 9 of CPC To restore S.A.229 of 2004 which is dismissed as abated on 02.08.2023 and pass such other or further orders as this Honourable Court may deem fit.

Prayer in SA(MD)229/2004:

Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 13.12.2002 made in A.S. No.25 of 2002 on the file of the Additional District and Sessions Judge-Cum-Fast Track Court No.I, Trichy confirming the Judgment and Decree dated 30.11.2001 made in O.S. No.331 of 1997 on the file of the District Munsif, Manapparai.

ORDER:- This 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.Govindarajan , Advocate for the Petitioner and of Mr.S.Kadarkarai Advocate for the 2nd to 4th Respondents, this Court made the following order:

This Petition is filed to restore the second appeal.

2. S.A.No.229 of 2004, was dismissed as abated on 02.08.2023.

3. Heard the learned counsel appearing for the petitioners and also perused the materials placed before this Court.

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition. Accordingly, this Civil



5. Registry is directed to restore S.A.No.229 of 2004 and list the matter in the usual course.

// True Copy //

Sd/-
Assistant Registrar(CS III)

/03/2024
Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

1.The Additional District and Sessions Judge
-Cum-Fast Track Court No.I, Trichy .

2.The District Munsif,
Manapparai.

Copy to :

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

2.The Section Officer,
VR Section
Madurai Bench of Madras High Court,Madurai.

ORDER DATED : 22/02/2024

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Restore

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CMP(MD). No.1754 of 2024

in

SA.No.229 of 2004.

Giving direction and etc.

as stated within.

MGJ(08.03.2024) 3P 5C

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