



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

**Tuesday, the First day of April Two Thousand and Twenty Five
PRESENT**

**The HONOURABLE MR. JUSTICE G.ILANGO VAN
CMP(MD). No.10971 of 2022
in
SA NO.1165 of 1998**

Duraisamy Gounder

... Petitioner/Appellant

Vs

1 Jayam

2 M.Baskar

3 M.Sumathi

4 M.Jeeva

5 M.Shanthi

... Respondents/Respondents

Prayer in CMP(MD). No.10971 of 2022:

Civil Miscellaneous Petition filed under order 41 Rule 19 of CP.C. to restore the Second Appeal in S.A.No.1165 of 1998 by setting aside the order of dismissal dated 23-02-2016 and decide the matter on merits and thus render justice.

Prayer in SA NO.1165 OF 1998:-

Second Appeal filed under section 100 of C.P.C against the judgment and decree of the Learned District Judge, Trichirapalli in Appeal Suit No.123 of 1996 dated 24.12.1997 dismissing the judgment and decree passed in O.S.No.748 of 1989 dated 19.03.1996 on the file of learned Subordinate Judge, Tiruchirapalli.

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.P.Thiagarajan, Advocate for Mr.C.Gobinath, Advocate for the Petitioner and of Mr.M.Kumar, Advocate for Mr.R.Gowri Sankar, Advocate for the 1st to 5th Respondents, this Court made the following order:

Being satisfied with the reasons stated in the affidavit filed in support of this Petition, this petition is allowed. The Second Appeal in S.A.No.1165 of 1998 is restored to the file.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/04/2025

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

Madurai Bench of Madras High Court,
Madurai.

TO

- 1.The District Judge, Trichirapalli.
- 2.The Subordinate Judge, Tiruchirapalli.

Copy to:

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

ORDER DATED : 01/04/2025

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ORDER

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CMP(MD). No.10971 of 2022

in

SA NO.1165 of 1998

Giving direction and etc.
as stated within.

RS (24/04/2025) 2P/ 4C

Madurai Bench of Madras High Court is issuing
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