



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Wednesday, the Twenty Third day of July Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

CMP(MD). No.10385 of 2025

in

S.A(MD)No.557 of 2006

1. K.S.Paramasivan Pillai (Died)

... Sole Appellant

2.Subramani

S/o. Late.K.S.Paramasivan Pillai

... 2nd Petitioner/ 2nd Proposed
Petitioner / Lr of the deceased
Sole Appellant

-Vs-

K.Jayalakshmi

... Respondent/Respondent/Complainant

Prayer CMP(MD). No.10385 of 2025 in S.A(MD)No.557 of 2006:-

This Civil Miscellaneous Petition filed Under Order 41 Rule 19 read with Section 151 of the Civil Procedure Code, to set aside the order dated 26.11.2024 and to restore the Second Appeal in SA(MD) No.557/2006 on the file of this Honourable Court, which was dismissed as abated.

Prayer in S.A(MD)No.557 of 2006:-

Second Appeal filed Under Section 100 of Civil Procedure Code, against the Judgment and Decree passed in A.S.No.14 of 2004 dated 31.01.2005 on the file of the Principal District Judge, Tirunelveli, confirming the Judgment and Decree passed in O.S.No.10 of 2001 dated 09.10.2003 on the file of the I Additional District Munsif, Tirunelveli.



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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 Thiru. D.Nallathambi, Advocate for the Petitioner and of Thiru. T.Selvan, Advocate for the Respondent, this Court made the following order:

The present Civil Miscellaneous Petition has been filed to set aside the order, dated 26.11.2024, wherein the second appeal was dismissed as abated for not taking steps to implead the legal heirs of the sole appellant.

2. Separate applications have already been filed to condone the delay, set aside the abatement and to bring on record the legal heirs of deceased sole appellant and those applications have been allowed. As a consequence, C.M.P(MD)No.10385 of 2025 stands allowed.

3. Post the second appeal for final hearing on 05.08.2025.

Sd/-

23.07.2025

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1. The Principal District Judge, Tirunelveli.
2. The I Additional District Munsif, Tirunelveli.

Copy to:

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

ORDER DATED : 23/07/2025

Next Hearing Date : 05.08.2025

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Restore

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CMP(MD). No.10385 of 2025

in

S.A(MD)No.557 of 2006

Giving direction and etc.
as stated within.

TS (30/07/2025) 3P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.