



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Seventh day of July Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

CMP(MD)No.10146 of 2023

in

SA.No.611 of 2003

1.S.Periasamy

2.S.Senthoo Pandian

3.S.Sudalaiyandi

...Petitioners/ Appellants

VS.,

1.P.GanapathyThevar(Died)

.../Sole Respondent

2.Subbulakshmi

3.Mariyammal

4.Shanmugalakshmi(Died)

5.Sornam

6.Mahendra Boopathy

7.Sudha

8.Minor.Santhosh

(Rep. by His Mother and Natural Guardian, the 7th Respondent Herein.)

...Respondents 2to8/

Proposed Respondents 2to8

(LRS of Sole Respondent)

9.Thalavai Alias Kili

10.Minor T.Parkavi Suguna

(10th Respondent is Minor Represented by Her Father/9th Respondent)

... Respondents 9&10/

Proposed Respondents 9&10

(LRS of 4th Respondent)



(Respondents 9 and 10 are brought on record as LRS of the deceased 4th Respondent vide Court order dated 07.07.2025 made in CMP (MD) Nos. 8663, 8665 and 8668/2025 in S.A.No.611 of 2003 by RVJ)

Prayer in CMP(MD).No.10146/2023:

Civil Miscellaneous Petition is filed under Order 41 Rule 19 of CPC, to set aside dated 13.04.2023 passed by this Hon`ble Court in the above S.A.No.611 of 2003 and restore the appeal.

Prayer in SA.No.611 of 2003:

This Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 21.11.2002 in A.S.No. 312 of 2001 on the file of the Principal District Judge, Tirunelveli, preferred against the judgment and decree dated 12.09.2001 in O.S.No.108 of 1997 on the file of Additional Subordinate Judge, Tenkasi.

ORDER:-

This Criminal Miscellaneous Petition coming up for orders on this day and upon perusing the petition, upon hearing the arguments of Mr.R.Subramanian, Advocate for the Petitioner and of Mr.sundara Pandian, Advocate for the Respondents 2,3,5&8 this Court made the following order:

This petition has been filed to set aside the order dated 13.04.2023 passed by this Court in the above S.A.No.611 of 2003 and restore the appeal on file.



2. Since the abatement with regard to the fourth respondent has already been set aside, this petition stands allowed. The appeal is restored to the file and list the matter on 21.07.2025.

// True Copy //

Sd/-
Assistant Registrar(CO)

/ /2025
Sub Assistant Registrar
(CS - I/II/III/IV)

TO

1. The Principal District Judge,
Tirunelveli.
2. The Additional Subordinate Judge,
Tenkasi.

Copy to:

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

ORDER DATED : 07/07/2025
HEARING DATE : 21/07/2025

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ORDER

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CMP(MD)No.10146 of 2023
in
SA.No.611 of 2003

TS (17/07/2025) 3P/4C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.