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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Eighth day of January Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CMP(MD). No.17412 of 2024

in

S.A.(MD)No.305 of 2021

1. Gomathyammal
2. A. Esakkiammal
3. M. Esakkiammal
4. Seethalakshmi

... Petitioners/ Appellants

Vs

- 1 Ramar

- 2 Krishammal

... Respondents/ Respondents

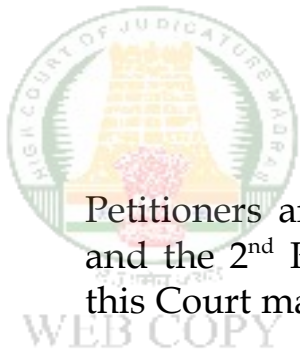
Prayer :-

Civil Miscellaneous Petition filed under section order 41 Rule 9r/w.151 of C.P.C. to set aside the dismissal order passed for non prosecution on 09.07.2024 in SA(MD). No.305 of 2021 and to restore same on the file of this Honourable Court.

Prayer in SA(MD).No.305/ 2021:

Second Appeal is filed under Section 100 of C.P.C., to challenging the judgment and decree of Additional District Court/Fast Track Court Tenkasi in A.S.No.61/2019 dated 27-07-2020 confirming judgment and decree of Additional Sub Court Tenkasi in O.S.No.296 of 2015 dated 03-04-2019.

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 M/s. A. Sankara Subramanian, Advocate for M/s. P.T. Thiraviam Advocate for the



Petitioners and of M/s. V. Meenakshisundaram, Advocate for the 1st respondent, and the 2nd Respondent having not appeared either in person or by an Advocate, this Court made the following order:

The above petition has been filed seeking orders to restore the second appeal, which came to be dismissed for non-prosecution on 09.07.2024.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the first respondent.

3. The learned counsel appearing for the petitioners would submit that he is ready to advance the arguments in the main second appeal itself.

4. The learned counsel appearing for the first respondent would submit that they are not having any objection to restore the appeal, if the appeal arguments is advanced.

5. Considering the above, this petition is ordered. The Registry is directed to take the restore the appeal on file.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/01/2025

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

TO

1. The Judge,
The Additional District Court/Fast Track Court,
Tenkasi.

<https://www.mhc.tn.gov.in/judis>



2. The Additional Sub Judge,
Tenkasi

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Copy to:

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

ORDER DATED : 08/01/2025

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ORDER

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CMP(MD). No.17412 of 2024
in
S.A.(MD)No.305 of 2021

Giving direction and etc.
as stated within.

BV (23/01/2025) 3P/ 4C

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