



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

WEB COPY

Tuesday, the Fourth day of February Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CMP(MD). No.8372 of 2022
in
Cros.Obj(MD)No.9 of 2013
in
A.S.(MD)No.32 of 2013

1.A.Pitchai Arasu (Died)

..1st Cross Objector/Respondent No.1

2. S.K.V.Chandra

3. R.Vanitha

4. P. Rajakumar

5 R.Preethi

...2 to 5 Petitioners/2 to 5 Cross
Objectors/2 to 5 Respondents

Vs

M.P.R.Malaiandi @ Ashok

... Respondent/Respondent/Appellant

Prayer :-

Civil Miscellaneous Petition filed under order 41, Rule 19 and Section 151 of CPC to set aside the order of dismissal for non-prosecution of cross objection dated 17.08.2022 and restore the above Cross Objection (MD). No. 9 of 2013 in A.S. (MD). No. 32 of 2013.

Prayer in Cros.Obj(MD)No.9 of 2013:-

Cross Objection filed in A.S(MD)No.32 of 2013 under Order 41 Rule 22 of



Civil Procedure Code against the Judgment and decree made in O.S.No.501 of 2004, dated 20.11.2012, on the file of Fifth Additional District Judge, Madurai.

Prayer in A.S.(MD)No.32 of 2013:-

First Appeal filed under Section 96 read with order 41 Rule 1 and 2 of Civil Procedure Code against the Judgment and decree made in O.S.No.501 of 2004, dated 20.11.2012, on the file of fifth Additional District Judge, Madurai.

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.R.T. Arivukumar, Advocate for the Petitioners and of Mr. B. Ramanathan, Advocate for the Respondent, this Court made the following order:

"This Civil Miscellaneous Petition has been filed to restore the Cros.Obj. (MD)No.9 of 2013, which was dismissed for non prosecution on 17.08.2022.

2. Heard the learned counsel appearing on either side, and I have perused the affidavit filed in support of this petition.

3. The learned counsel appearing for the respondent has not raised any objection to this petition.

4. Being satisfied with the reasons stated in the affidavit, this Civil Miscellaneous Petition is allowed.

5. Registry is directed to restore the Cross Objection in Cros.Obj.(MD)



No.9 of 2013 and list the same, along with the Appeal Suit in A.S.(MD)No.32 of 2013
on 26.02.2025."

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// True Copy //

Sd/-

Assistant Registrar (CS I)

/02/2025

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

TO

The V Additional District Judge, Madurai.

Copy to:

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

ORDER DATED : 04/02/2025

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ORDER

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CMP(MD). No.8372 of 2022
in
Cros.Obj(MD)No.9 of 2013
in
A.S.(MD)No.32 of 2013

Giving direction and etc.
as stated within.

BV (12/02/2025) 3P/ 3C

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