

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Friday, the Fourteenth day of February Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CMP(MD). No.1592 of 2025

in

A.SNo.232 of 2009

1. K.R.Subramanian (Died)

2. K.S.Surendran

3. K.S.Sooriyaprakash

.. Petitioners/ Appellants

-vs-

1 T.D.Rajeswari,

2 G.R.Prema,

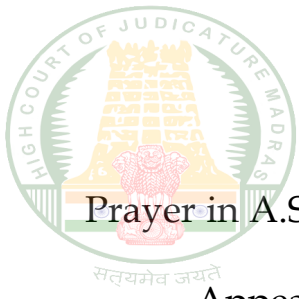
3 A.D.Geetha,

4 Baby Alias Sakunthala

.. Respondents/ Respondents

Prayer in C.M.P.(MD)No.790 of 2022;-

Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, to pass an order setting aside the order dated 13/07/2022 and restoring the first appeal in A.S.(MD) No.232 of 2009, which has been dismissed for default on 13/07/2022 and thus render justice.



Prayer in A.S(MD)No.232 of 2009;-

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Appeal Suit Under Section 96 of Civil Procedure Code, to pass a decree and judgment in favour of the appellants setting aside the judgment and decree in O.S.No.141 of 2005 on the file of the Additional District Judge,(Fast Track Court No.1) Madurai and dismiss the suit and thus allow the appeal.

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.J.Barathan , Advocate for the Petitioner and of Mr. D.Nallathambi Advocate for the respondents, this Court made the following order:

“This Civil Miscellaneous Petition has been filed to set aside the order dated 13.07.2022 and restore the Appeal Suit in A.S.(MD)No.232 of 2009 which was dismissed for default on 13.07.2022.

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 for respondent Nos.2 to 4 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 Appeal Suit in A.S.(MD)No.232 of 2009 and list the same, along with A.S.(MD)No.168 of 2009, on 07.03.2025.”

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/02/2025

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

TO

The Additional District Judge,
(Fast Track Court No1)Madurai.

Copy to:

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

ORDER DATED : 14/02/2025

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ORDER

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CMP(MD). No.1592 of 2025

KR/25.02.2025 3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023