



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Thursday, the Twelfth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

CMP(MD). No.14736 of 2024

in

C.M.P.No.14726 of 2023

in

SA(MD).No.502 of 2022

1.Sivaraj,  
2.Kanagaraj

... Petitioners/Petitioners/ Appellants

Vs

1 Shanthi,  
2 Chitra,  
3 Kamala,  
4 Mohamed Assarudin,

... Respondents/ Respondents/ Respondents

**Prayer in CMP(MD)No.14736 of 2024 :-**

This Petition filed under Order 41 Rule 19 of C.P.C to set aside the order of dismissal of the Civil Miscellaneous petition in Cmp (MD).No.14726 of 2023 in S.A. (MD).No.502 of 2022 for no appearance dated 24-09-2024 and restore the same on the file of this Hon`ble court.



**Prayer in C.M.P.No.14726 of 2023 :-**

This Petition file under section 5 of Limitation Act to delay of 99 days in filing a petition to set aside the dismissal order dated 31.03.2023 passed in S.A(MD). No.502 of 2022.

**Prayer in SA(MD).No.502 of 2022 :-**

Second Appeal filed under Section 100 of C.P.C to allow the second appeal setting aside the judgment and decree dated 28.03.2022 in A.S.No.71 of 2018 on the file of the Principal Subordinate Court Kumbakonam confirming the judgment and decree dated 09.07.2018 in O.S.No.3 of 2014 on the file of the Principal District Munsif Court Kumbakonam.

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 Mrs.C.Geetha, Advocate for the fourth respondent and no representation on behalf the petitioner, this Court made the following order:

When the matter was taken up for hearing on 05.12.2024, there was no representation for the petitioners. Hence, it was directed to be listed today.

2. Even today, there is no representation for the petitioners, which shows that the petitioners are not interested in prosecuting the case.

3. The learned counsel appearing for the fourth respondent would submit that the Second Appeal was also dismissed for non prosecution, due to the default on the part of the learned counsel for the appellants therein.



4. In view of the above facts, this Civil Miscellaneous Petition is dismissed for non-prosecution.

// True Copy //

Sd/-  
Assistant Registrar(CO)

/01/2025  
Sub Assistant Registrar  
(CS - I/ II / III /IV)

TO

1.The Principal Subordinate Judge, Kumbakonam

2.The Principal District Munsif, Kumbakonam.

ORDER DATED : 12/12/2024

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ORDER

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CMP(MD). No.14736 of 2024

in

SA(MD).No.502 of 2022

Giving direction and etc.

as stated within.

MK/24.12.2024 3P/3C

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