



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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Thursday, the Twenty Fourth day of July Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

CMP(MD). No.18453 of 2024

in

S.A. No.1378 of 2003

1. Rajagopalan
2. Jothiraman(Died)
3. Santharaman
4. Jeevan
5. Chakrapani @ Moorthy
6. Raju
7. Ravi
8. Jeyalakshmi
9. Karthik
10. Kavitha
11. Sakunthala

[Petitioners 8 to 11 are Brought On Record as LRS of the Deceased 2nd Petitioner vide Court order dated 01.07.2025 made in CMP(MD) Nos.10153,10154 and 10155 of 2025 in SA No.1378 of 2003]

... Petitioners /Petitioners

Vs

1 Ananthachari (Died)

2 S.A.Lalitha

S.A.Nagarajan (Died)



3 S.N.Kalpana Raj

4 S.N.Gnanesan

5 S.N.Elakkia

6 S.A.Yogarajan

7 S.A.Ramesh

8 S.A.Balan

9 S.A.Kannan

10 T.S.Jeeva

... Respondents 2 to 10/ Respondents 2 to 10

(Respondents 2 to 10 are brought on record as LR's of the deceased sole Respondent vide Court order dated 24/07/2025 CMP(MD).No.18456,18458 and 18461/2024 in SA No.1378/2003.)

Prayer in CMP(MD) No.18453 of 2024:-

Petition filed Under Order 41 Rule 19 of Civil Procedure Code, to set aside and restore the SA No.1378 of 2003 which was dismissed on abated on 06.11.2024 :

Prayer in SA No.1378 of 2003:-

Second Appeal filed under Section 100 of Civil Procedure Code against the decree and judgment of the Principal Subordinate Judge, Kumbakonam passed in A.S. No.37 of 1997 dated 11.10.2002 confirming the decree and judgment of the District Munsif, Valingaiman at Kumbakonam passed in O.S.No.295 of 1996 dated 02.01.1997.

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.B.Jameel Arasu, Advocate for the Petitioner and of Mr.G.Gomathishankar, Advocate for the 2nd, 3rd, 6th to 10th Respondents and none appeared either in person or through advocate for 4th and 5th Respondents, this Court made the following order:

The present Civil Miscellaneous Petition has been filed to restore the above second appeal, which was dismissed as abated on 06.11.2024.

2. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Civil Miscellaneous Petition stands allowed.

3. Post the Second Appeal on 07.08.2025.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ / 2025

Sub-Assistant Registrar
(C.S - I / II/ III / IV)

TO

1. The Principal Subordinate Judge,
Kumbakonam.
2. The District Munsif,
Valingaiman at Kumbakonam.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(TO follow up and list the SA on 07/08/2025)



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ORDER DATED : 24/07/2025

HEARING DATED : 07/08/2025

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ORDER
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CMP(MD). No.18453 of 2024
in
S.A. No.1378 of 2003

Giving direction and etc. as stated within.

CT (07/08/2025) 4P/4C

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