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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CMP(MD). No.18653 of 2024
in
A.S.(MD)No.32 of 2013

M.P.R.Malaiandi alias Ashok

... Petitioner

Vs

A.Pitchai Arasu (Died)

1. S.K.V.Chandra
- 2 P.Rajkumar
- 3 R.Vanitha
- 4 R.Preethi

... Respondents

Prayer :-

Civil Miscellaneous Petition filed under Order 41, Rule 19 and Section 151 of the CPC to set aside the order of dismissal for non prosecution of first appeal dated 17.08.2022 and restore the above AS(MD) No.32/2013.

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

First Appeal filed under Section 96 reas 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



M/s. B. Ramanathan, Advocate for the Petitioner and of Mr. R.T. Arivukumar, Advocate for the respondents, this Court made the following order:

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"This Civil Miscellaneous Petition has been filed to restore the Appeal Suit in A.S.(MD)No.32 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 Appeal Suit in A.S.(MD)No.32 of 2013 and list the same on 26.02.2025."

Sd/-

Assistant Registrar (CS I)

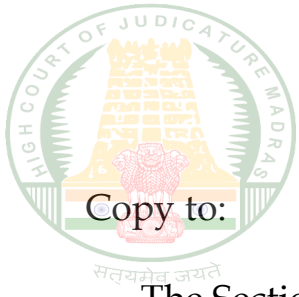
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/02/2025

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

TO

The V Additional District Judge,
Madurai.



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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.18653 of 2024
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.