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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22-01-2025

CORAM

THE HONOURABLE MR JUSTICE G.ILANGO VAN

CMP(MD) NO. 18962 of 2024

in

S.A(MD)No.1094 of 2009

1. Kennedy
2. Pushpa Lalitha

...Petitioners/ Appellants
Vs

1. Russel Raj
2. Gopalan

...Respondents/ Respondents/ Complainant

Prayer in CMP(MD).No. 18962/ 2024 :

This Petition is filed under order 41 Rule 19 & 151 of C.P.C., to set aside the order of dismissal made in S.A.(MD).No.1094 of 2009 on the file of this Honourable Court dated on 06-08-2014

Prayer in SA(MD).No.1094/ 2009 :

This Second Appeal is filed under section 100 of C.P.C., to set aside the Decree and Judgment made in AS.1/2009 on the file of Sub Judge, Padmanabhapuram dated 10.08.2009 confirming the Decree and Judgment in OS.193/2005 on the file of Principal District Munsif, Padmanabhapuram, dated 10.12.2008



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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 Mr.V.George Raja, Advocate for the Petitioner and of Mr.R.Udhaya Kumar for the Respondent, this court made the following order:

ORDER

Mr.R.Udhayakumar, learned counsel filed vakalat for the first respondent.

2. Being satisfied with the reasons mentioned in the affidavit filed in support of this petition, this Civil Miscellaneous Petition is allowed and the order of dismissal on default passed by this Court in S.A(MD)No.1094 of 2009 dated 06.08.2014 is set aside.

3. Registry is directed to take S.A(MD)No.1094 of 2009 on file and list before this Court on 30.01.2025.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/01/2025

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



To
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- 1.The Sub Judge,
Padmanabhapuram.
- 2.The Principal District Munsif,
Padmanabhapuram.

Copy to:
The Section Officer,V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 22/01/2025
POST OFN : 30/01/2025

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ORDER

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CMP(MD) NO. 18962 of 2024

in

S.A(MD)No.1094 of 2009

Giving Direction and etc.

as stated within.

MGJ(28.01.2025) 3P 5C

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