



CMP(MD) No.3943 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY (Civil Appellate Jurisdiction)

Wednesday, the Fourth day of June Two Thousand and Twenty Five
PRESENT

The HONOURABLE MR. JUSTICE G.ILANGO VAN

CMP(MD) No.3943 of 2025

IN

SA(MD) No.397 of 2006

1.Periyakaruppan (Died),

2.Kalimuthu (Died),

3.Veerabathiran (Died),

...Petitioners 1 to 3/ Appellants 1 to 3

4.Chinnaiha,

5.Vellaiyan,

6.Chandran,

7.Manikandan,

8.Ayyappan,

...Petitioners 4 to 8 / Appellant 4 to 8 (LRs of 1st
Appellant)

9.K.Murugan,

10.K.Arumugam,

11.M.Manikandan,

12.M.Karthick Kumaran,

...Petitioners 9 to 12/ Appellant 9 to 12 (LRs of 2nd
Appellant)



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13. Murugesan,
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14. Velu,

15. Palanivel,

16. Kannan ... Petitioners 13-16 / Appellant 13-16 (LRS of 3rd Appellant)

Vs.

1. Palani (Died), ... Deceased / Sole Respondent

2. P. Muthukumar,
S/o. Palani,
Plot No. 47-48, Sivananth Nagar Post,
Mahatma Gandhi Nagar,
Thoppur,
Madurai - 625 008.

3. P. Padmanaban,
S/o. Palani,
Plot No. 47-48, Sivananth Nagar Post,
Mahatma Gandhi Nagar,
Thoppur,
Madurai - 625 008.

4. Sornam,
D/o. Late Palani,
Plot No. 47-48, Sivananth Nagar Post,
Mahatma Gandhi Nagar,
Thoppur,
Madurai - 625 008.



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5.Mariammal,
S/o.LatePalani,
Plot No.47-48, Sivananth Nagar Post,
Mahatma Gandhi Nagar,
Thoppur,
Madurai - 625 008.

...Respondents 2 to 5/ Proposed Respondent 2 to 5
(LRS of sole Respondent)

Prayer in CMP(MD).No.3943 of 2025 :-

This Civil Miscellaneous Petition filed under order 41 rule 19 of C.P.C. to set aside the order dated 21.11.2024 passed by this honourable Court dismissing the above Second Appeal as abated and restore the above S.A(MD) No.397 of 2006

Prayer in SA(MD)No.397 of 2006:-

This Second Appeal filed under section 100 of CPC, to set aside the judgment and decree passed by the I Additional Subordinate Judge, Madurai in A.S.No.220 of 2005 dated 19.01.2006 reversing the judgment and decree passed in O.S.No.507 of 2004 dated 19.09.2005, passed by the District Munsif Court, Thirumangalam.

ORDER:- This Second Appeal 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.Padhmavaavathi Devi, Advocate for the Petitioner and of



CMP(MD) No.3943 of 2025

Mr.P.T.S.Narendravasan, Government Advocate for the respondents 4 to 6, this

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Court made the following order:-

"Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition. Accordingly, this petition is allowed. Second appeal is restored to the file. List the matter in the usual course."

Sd/-

ASSISTANT REGISTRAR (CS - II)

// True Copy //

/ /2025

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

TM

To

1.The I Additional Subordinate Judge,
Madurai.

2.The District Munsif,
Thirumangalam.

Copy To

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



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ORDER DATED : 04/06/2025

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RESTORATION

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CMP(MD) No.3943 of 2025
in
SA(MD)No.397 of 2006

AS - (30.06.2025) 5P/ 4 C

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