



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

Thursday, the Seventh day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

CMP(MD) No.2867 of 2016  
IN  
SA(MD) No.SR43590 of 2013

M. PALANI

... PETITIONER/PETITIONER/APPELLANT

Vs

1 ALAGAN

2 SECRETARY

VILLAGE, CO-OPERATIVE HOUSING SOCIETY,  
THIRIMAYAM PO, PUDUKKOTTAI DIST.

3 VELLACHAMY

... RESPONDENTS/RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Set aside the order dated 20.02.2014 in MP(MD)NO.1 of 2013 in SA (MD)SR.No.43590 of 2013 and restore the same.

PRAYER IN MP(MD)NO.1 of 2013 in SA (MD)SR.No.43590 of 2013:

Petition has been filed to condone the delay of 710 days in filing the above Second Appeal in SR.No.43590/2013.

PRAYER IN SA(MD)SR.No.43590 of 2013:

Second Appeal has been filed against the order dated 23.06.2011 made in A.S.No.107 of 2010 on the file of Subordinate Judge, Pudukkottai, confirming the Judgment and decree in O.S.No.83 of 2001 dated 29.06.2010 on the file of the District Munsif cum Judicial Magistrate, Thirumayam.

ORDER : This petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.BAALASUNDHARAM, Advocate for the petitioner this court made the following order:-

This Miscellaneous Petition has been filed seeking to restore MP(MD).No.1 of 2013 in SA.(MD).SR.No.43590 of 2013, which was dismissed for default by order dated 20.02.2014.

Heard the learned counsel for the petitioner and perused the materials available on record.



Having been satisfied with the reasons assigned in the affidavit filed in support of the Miscellaneous Petition and also the submission made by the learned counsel for the petitioner, this Miscellaneous Petition is allowed and MP(MD).No.1 of 2013 is restored to file.

WEB COPY

/True Copy/

Sd/-

Assistant Registrar

Sub Assistant Registrar

TO

1 THE SUBORDINATE JUDGE, PUDUKKOTTAI

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUMAYAM

ORDER

IN

CMP(MD) No.2867 of 2016

IN

SA(MD) No.SR43590 of 2013

Date : 07/04/2016

AA/SKS-RR/SAR-I/06.06.2016/2p-3c