



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Sixth day of April Two Thousand and Sixteen

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

CMP(MD) No.4034 of 2016

IN

SA No.1628 of 1997

G. BALAMANI

... PETITIONER/APELLANT.

Vs

1 MAYILVEL

2 TAMILNADU ELECTRICITY BOARD

THIRUVARAMBUR, THIRUCHIRAPALLI-14,

REPESENTED BY ITS ASSISTANT ENGINEER. ... RESPONDENTS/RESPONDENTS

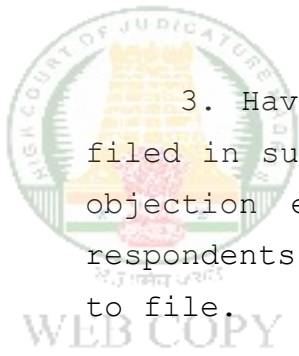
CMP(MD)No.4034 of 2016 prayer: This petition is filed under order 41, Rule.19 of C.P.C. Praying to set aside the order of dismissal for default in the above second appeal S.A.No. 1628 of 1997 dated 23.02.2010.

SA 1628 of 1997 prayer: This appeal is filed under section 100 of the C.P.C. against the judgement and decree of the II Additional Subordinate Judge, Tiruchirappalli in A.S.No.65 of 1996 dated 17.07.1997 in reversing the Judgement and decree of the District Munsif, Trichy in O.S.No. 797 of 1987, dated 26.04.1995.

ORDER : This petition coming on for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.RAGHAVACHARI, Advocate for the petitioner and of Mr.T.R.Rajaraman, Advocate for the 1st Respondent, and of Mr.V. Ramapashyam, Advocate for the 2nd Respondent this court made the following order:-

This Petition has been filed to set aside the order dated 23.02.2010, dismissing the appeal for default.

2. The learned counsel for the first respondent and the learned counsel for the second respondent have no objection for allowing this



3. Having been satisfied with the reasons assigned in the affidavit filed in support of the Miscellaneous Petition and also in view of the no objection expressed by the learned counsel for the first and second respondents, this petition is ordered and the Second Appeal is restored to file.

/ TRUE COPY /

Sd/-
Assistant Registrar (CS-II)

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE II ADDITIONAL SUBORDIANTE JUDGE,
TIRUCHIRAPPALLI.
- 2 THE DISTRICT MUNSIF, TIRUCHIRAPPALLI.
- 3 THE ASSISTANT ENGINEER.
TAMILNADU ELECTRICITY BOARD
THIRUVARAMBUR, THIRUCHIRAPALLI-14

ORDER DATED : 26/04/2016

ORDER

CMP (MD) No.4034 of 2016
IN
SA No.1628 of 1997

Allowing the CMP to restore
the SA 1628 of 1997 on file of
this Hon'ble Court etc.,

AM/AAL.MPA/SAR-I/04.05.2016/2P/4C