



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

Monday, the Twentieth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice R.MALA

CMP(MD) No.4623 of 2016
IN
SA(MD) No.1074 of 2011

1 J.ARUMUGAM (DIED)
2.VALLI,
3 THENMOZHI,
4 ILANKUMARAN,
5 THENNARASU,
6 SENTHAMARAI,

... PROPOSED PETITIONERS/PROPOSED
APPELLANTS

Vs

1 SETHUAMMAL (DIED)
2. RAJESWARI,
3 NAMACSIVAYAM
4 KASIVISWANATHAN,
5 RADHAKRISHNAN,
6 SANTHAMOORTHY,
7 NAGARAJAN,
8 NEELAVATHI,
9 SAKUNDALA

... RESPONDENTS/RESPONDENTS

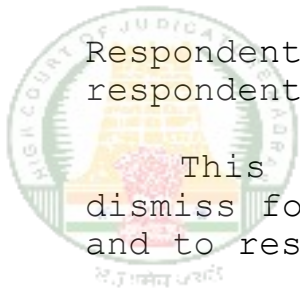
PRAYER IN CMP(MD)NO.4623/2016 :

Which was filed to set aside the Order of dismissal for default dated 18.04.2012 in S.A.No.1047/2011 and to restore the 2nd appeal.

PRAYER IN SA(MD)NO.1074/2011 :

Which has been filed Under Section 100 of CPC. before this Honourable Court as against the Decree and Judgment passed in AS.No.30/2007 on 08/02/2008 by the Learned Sub Ordinate Judge, Ramanathapuram confirming the Decree and Judgment passed in OS.No.86/2002 on 08/11/2006 by the Learned District Munsif, Ramanathapuram.

ORDER : This Miscellaneous is 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. J.M.HASSANUL BAZARI, Advocate for the petitioner, and of MR.J.MAHENDRAN, Advocate for 6th respondent, MR.J.BHARADHAN, Advocate for



Respondents 3 to 5, and MR.A.R.NAMBUNAYAGAM, Advocate for 9th respondent, the court made the following order:-

This Petition has been filed praying to set aside the dismiss for default order dated 18.04.2012 in S.A.No.1047 of 2011 and to restore the same.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The learned counsel for the respondents would submit that he has no objection to restore the Second Appeal. He has also made an endorsement to that effect.

4. Recording submission and the endorsement made by the learned counsel for the respondents, this application is allowed. The Second Appeal is restored to file for final disposal.

5. Post the Second Appeal for final disposal on 12.07.2016.

sd/-
Assistant Registrar (CS-II)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE SUBORDINATE JUDGE, RAMANATHAPURAM

2 THE DISTRICT MUNSIF, RAMANATHAPURAM

3 COPY TO : THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/ARK/PV/SAR-III-5.7.16-2P-4C

ORDER DATED : 20.07.2016
ORDER
IN
CMP (MD) No.4623 of 2016
IN
SA (MD) No.1074 of 2011

giving direction etc., as
stated within.