



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

Friday, the Twenty Third day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.8668 of 2016
IN
SA(MD) No.257 of 2009

P.MUNIYANDI (DIED),
1. CHELLAPANDI,
2 RAJAPANDI,
3 BALAKRISHNAN,

... PETITIONERS

Vs

U.SUBRAMANIAN,

... RESPONDENT

Prayer in CMP(MD)No.8668/2016 :

Petition filed under order 41 Rule 19 of CPC praying to set aside the order dated 28.07.2016 in SA(MD)No.257/2009 and restore the appeal to file.

PRAYER IN SA(MD)No.257/2009 :

Second Appeal filed under Section 100 of CPC praying to set aside the order finding of the learned lower appellate Court in AS 14/2008 passed by the Sub Judge at Paramakudi, Ramanathapuram District on 16.12.2008 and confirmed the order of the Judgment and Decree passed in O.S.No.6/2006 of learned District Munsif Judge Cum Judicial Magistrate at Kamuthi, Ramanathapuram District on 05.01.2007 and pass such other or further order as this Honourable Court may deem fit to proper in the case and thus render justice.

ORDER : This petition coming on for orders on this day and upon perusing the petition, affidavit and earlier order of this Court and upon hearing MR.M.MURUGESAN, Advocate for the petitioners and none appeared for the respondent, this Court made the following order:-

"I am convinced with the reasons stated by the petitioner in the affidavit filed in support of this petition, Accepting the reasons for non-appearance on the day of Second Appeal was dismissed for default, this petition is allowed."

sd/-

Assistant Registrar (CS-I)

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Sub-Assistant Registrar (C.S.)



TO

1 THE SUBORDINATE JUDGE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KAMUTHI,

3 THE SECTION OFFICER, V.R.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/SK/SKN/SAR-I-18.10.16-2p-4c

ORDER

IN

CMP (MD) No.8668 of 2016

IN

SA (MD) No.257 of 2009

Date :23/09/2016

Giving directions etc., as
stated within.