



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

Tuesday, the Twentieth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMP(MD) No.8847 of 2016
IN
SA(MD) No.131 of 2004

1 ALAGARSWAMI
2 SUNDARAM,
3 SATHAVOO, ... PETITIONERS

Vs

1 PAPPAMMAL @ VEERAMMAL (DIED)
2 CHINNAMMAL,
3 ALAGARSWAMI,
4 PANJAMMAL,
5 SUNDARAM,
6 SATHAVOO,
7 RAMUTHAI, ... RESPONDENTS

Civil Miscellaneous Petition filed under order 41 Rule 19 R/w. Sec 15c of C.P.C. praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to restore the Second Appeal in S.A.No.131 of 2004 which was dismissed for default on 04.08.2016.

PRAYER IN SA(MD) No.131 of 2004: Appeal filed under section 100 of CPC to prefer against the Judgment and decree passed in A.S.No.132/2001 dated 17/6/2004 on the file of the District and Session Juge (Fast Track Court) Dindigul confirming the Judgment and Decree passed in O.S.no.388/1996 dated:28/6/2001 on the file of the Principal District Munsif, Dindigul.

ORDER : This petition coming on for hearing on this day upon perusing the petition and the affidavit filed in support thereof on the file of the High Court and upon hearing the arguments of M/S.M.V.VENKATASESHAN, Advocate for the petitioner and Mr.A.R.Sethupathy Advocate for the respondent and this court made the following order:-

This is an petition seeking restoration of S.A.No.131 of 2004, which was dismissed for default of 04.08.2016.

Heard both sides.



The learned counsel for the respondents has no objection in allowing this petition.

In the interest of justice, this CMP is allowed, and the appeal is restored to file.

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Registry is directed to post the appeal on 11.01.2017 for final hearing.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

TO

1 THE DISTRICT AND SESSIONS JUDGE (FAST TRACK COURT) DINDIGUL

2 THE PRINCIPAL DISTRICT MUNSIF, DINDIGUL

Copy to: The Section Officer
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

Order Date : 20/12/2016
ORDER
IN
CMP (MD) No. 8847 of 2016
IN
SA (MD) No. 131 of 2004
Allowing the Civil
Miscellaneous Petition and
restoring the second appeal
to the file and giving
directions etc., as stated
within.

sm:GSV-SV:SAR I:11/01/2017:2P/4C