

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM

THE HON'BLE Mr. JUSTICE R.SUBRAMANIAN

C.M.A. No.1958 of 2017

M/s.Indian Bank,
Rep. by its Asst. General Manager,
T.Nagar Branch, Chennai-600 017 ... Appellant

Vs.

N.Sridhar ... Respondent

Civil Miscellaneous Appeal filed under Order 43 Rule 1 of Civil Procedure Code against the order and decree made in I.A.No.13398 of 2016 in O.S.No.10835 of 2010 dated 20.01.2017 on the file of the VII th Additional City Civil Court, Chennai.

For Appellant : Mr. RRK Associates

O R D E R

The order under challenge in this appeal is an order allowing an application filed for restoration of the suit under Order 9 Rule 9 CPC, subject to condition. Admittedly, the conditional order has not been complied with.

2. An appeal would lie only against an order rejecting an application under Order 9 Rule 9 CPC, under Order 43 Rule 1 (c) of the code. Hence, I find that this appeal itself is not maintainable.

3. Therefore, Civil Miscellaneous Appeal is rejected as not maintainable.

4. Registry is directed to return the original certified copies of the Order in I.A No. 13398 of 2016 dated 20.01.2017 to the learned counsel appearing for the appellant, so as to enable him to file Civil Revision Petition, challenging the said order.

Sd/-

Asst.Registrar (CS II)

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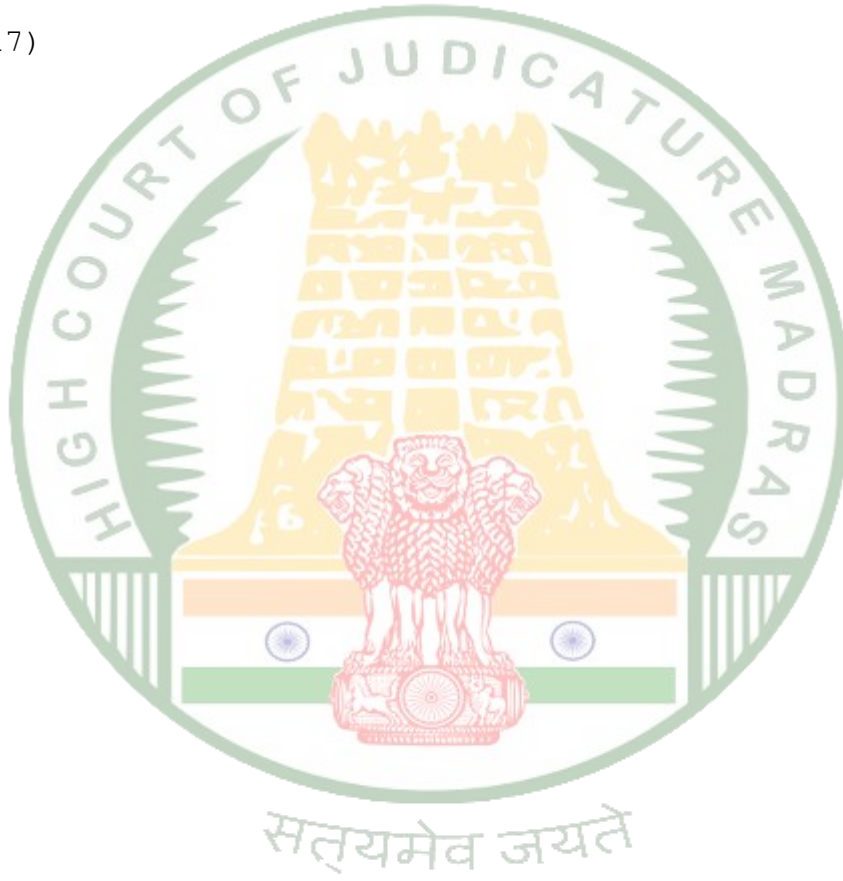
Sub Asst. Registrar

To

VII th Additional City Civil Court,
Chennai.

C.M.A. No.1958 of 2017

rr(co)
ss(8/8/2017)



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