



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

Friday, the Tenth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.12276 of 2016

IN

CMSA(MD) No.4 of 2014

AMUTHA

... APPELLANT/PETITIONER

Vs

RUSSEL

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore and adjudicate the above C.M.S.A(MD) No. 4 of 2014 on merits by set aside the order dated 11.11.2016 made in C.M.S.A.(MD) No. 4 of 2014

Prayer in CMSA(MD). 4/ 2014 :

To call for the records of the lower courts, set aside the order and decreetal order passed by the learned DJ Nagercoil on 26.09.2013 passed in C.M.A.No.7/2011 confirming the order and decreetal order passed by the learned Subordinate Judge, Kuzhithurai on 06.09.2010 passed in H.M.O.P.No.3/2006 and allow this Appeal with costs throughout and render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.SARAVANAKUMAR, Advocate for the petitioner and of MR.T.SELVAKUMAR, Advocate for the Respondent the court made the following order:-

This petition is filed to restore and adjudicate the above C.M.S.A(MD)No.4 of 2014 on merits by set aside the order, dated 11.11.2016 made in C.M.S.A(MD)No.4 of 2014.



2. Heard the learned Counsel appearing for the petitioner.

3. Being satisfied with the reasons stated in the supporting affidavit, this petition is ordered and the C.M.S.A(MD)No.4 of 2014 is restored on payment of cost of Rs.500/- (Rupees Five hundred only) to the Rojavanam Homeless & Aged care Centre, Melur Road, Uthangudi, Madurai, within a period of one week from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically, without further reference to this Court.

sd/-
10/03/2017

/ TRUE COPY /

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

AM/SSS
TO

- 1 THE DISTRICT JUDGE, NAGERCOIL
- 2 THE SUBORDINATE JUDGE, KUZHITHURAI

COPY TO : THE OFFICER INCHARGE,
THE ROJAVANAM HOMELESS & AGED CARE CENTRE,
MELUR ROAD, UTHANGUDI, MADURAI.

GJM/PN/SAR-2-15.3.17-2P-4c

ORDER
IN
CMP(MD) No.12276 of 2016
IN
CMSA(MD) No.4 of 2014
Date :10/03/2017