



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

Wednesday, the Twenty Fifth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMP(MD) No.2598 of 2016
IN
SA No.235 of 2004

INDHIRANI

... PETITIONER

Vs

1 PARVATHI AMMAL
2 SAKUNTHALA
3 AMARAVATHI

... RESPONDENTS

PRAYER IN CMP(MD)NO.2598/2016: Civil Miscellaneous Petition filed under Order IX Rule 9 of CPC to set aside the order of dismissal for non prosecution passed by this Honourable Court on 24.02.2016 and restore the SA No.235 of 2004 on the file of this Honourable Court and thus render justice.

PRAYER IN SA.235/2004 : Second Appeal filed under Section 100 of C.P.C against the Judgment and Decree passed by the First Appellate Court on 10.6.2002 in A.S.No.48 of 2000 on the file of the Hon`ble Principal District Judge, Sivaganga District filed against the Judgment and Decree passed on 24.9.1999 in O.S.No.260 of 1996 on the file of the Hon`ble District Munsif Court at Manamadurai Taluk, Sivagangai District.

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.L.SHAJI CHELLAN, Advocate for the Petitioner and of Mr.D.P.Sundara Raj, Advocate for the first respondent and Mr.A.L.Vijay Devaraj, Advocate for the Respondents 2 and 3 this Court made the following order:-

Learned Counsel for the respondents has no objection in allowing this Petition. Hence, this Miscellaneous Petition is allowed. Judgment dated 24.02.2016 is set aside and the appeal is restored to file.

Post the appeal on 06.03.2017.

Sd/-

Assistant Registrar(C.O)

/ TRUE COPY /



TO

1. THE PRINIPAL DISTRICT JUDGE
SIVAGANGAI DISTRICT

2. THE DISTRICT MUNSIF
MANAMADURAI TALUK
SIVAGANGAI DISTRICT

COPY TO:-

THE SECTION OFFICER
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

(TO POST S.A. ON 6.3.2017)

+1cc to M/S.L.SHAJI CHELLAN, ADVOCATE SR.No. 4868

MS/RSK/SAR2/3.2.2017.2P/5C

ORDER Date :25/01/2017

ORDER

POST ON : 6.3.2017

CMP (MD) No.2598 of 2016
IN
SA No.235 of 2004

ALLOWING THE MISCELLANEOUS
PETITION BY RESTORING THE
SECOND APPEAL TO THE FILE OF
THIS COURT AND GIVING
DIRECTIONS ET AS STATED WITHIN