



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

Wednesday, the Twenty Second day of March Two Thousand and Seventeen

PRESENT

The Hon`ble Mr.Justice N.AUTHINATHAN

CMP(MD) No.883 of 2017
IN
SA No.1887 of 1998

C.PACHAYAPPAN

... PETITIONER/APPELLANT

Vs

C.JEYAPRASAD

... RESPONDENT/RESPONDENT

Prayer in CMP(MD). 883/ 2017 :

This Petition filed under order 41 Rule 19 of Civil Procedure Code to restore the Second Appeal in S.A.No.1887 of 1998 on the file of this Honourable Court which was dismissed for default on 10.12.2012 by allowing this petition.

Prayer in SA. 1887/ 1998 :

This Second Appeal filed under Section 100 of Civil Procedure Code, the S.A against the Judgement and Decree dated 12/07/1995 made in A.S.No.115/1994 on the file of the District court, Dindugul, confirming the Judgement and Decree dated 29/04/1993 made in O.S.No.324/1992 on the file of the District Munsif Court, Nilakottai.

ORDER: This petition coming on for hearing on this day. Upon perusing the petition and material papers and upon hearing the arguments of Mr.M.Kannan, Advocate for the petitioner and Mr.T.R.Subramaniam, Advocate for the Respondents, this Court made the following order.

The petitioner is the appellant. The appeal has been dismissed for non-prosecution on 10.12.2012. This petition has been filed to restore the appeal to file.

2. It is seen from the records that the delay in filing this petition has been condoned on payment of costs.

3. Having regard to the reason given by the petitioner and in view of the fact delay has been condoned on payment of cost, I am inclined to allow this petition.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The Registry is directed to restore the appeal to file and



call for the records by a special messenger. Post the matter on 28.03.2017.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

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To

- 1.The District Judge,
Dindigul.
- 2.The District Munsif,
Nilakottai.

JS/MR/SAR.2./2P-3C/11.04.2017

ORDER

Dated :22/03/2017

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