



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.935 of 2017

IN

CMSA(MD) No.48 of 2013

S.A.SREEKANDAN

... PETITIONER/APPELLANT

Vs

JOTHI@FATHIMA GANI

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the order dated 10.11.2016 dismissing C.M.S.A.(MD)No.48 of 2013 for default, restore the Civil Miscellaneous Second Appeal to file and thus render justice.

Prayer in CMSA(MD). 48/ 2013 :

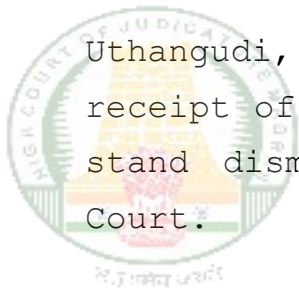
To set aside the Order passed in HMOP No.91 of 2009 on the file of Principal Subordinate Judge, Thanjavur dated 30.09.2011 in CMA No.36 of 2011 dated 13.08.2012 on the file of Principal District Judge, Thanjavur and thus render justice.

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.K.S.VAMSIDHAR, Advocate for the petitioner and of Mr.G.Karnan, Advocate for the Respondent, the court made the following order:-

This petition is filed to set aside the order, dated 10.11.2016 dismissing the C.M.S.A.(MD).No.48 of 2013 for default and restore the Civil Miscellaneous Second Appeal on file.

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.48 of 2013 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.

WEB COPY

sd/-
10/03/2017

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SUBORDINATE JUDGE, THANJAVUR

2 THE PRINCIPAL DISTRICT JUDGE, THANJAVUR

Copy to: The Officers Incharge,
The Rojavanam Homeless & Aged Care Centre,
Melur Road, Uthangudi, Madurai

sm:skn-rsk:SAR 3:14/03/2017:2P/4C

ORDER
IN
CMP (MD) No.935 of 2017
IN
CMSA (MD) No.48 of 2013
Date :10/03/2017