



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

**The Hon`ble Mrs.Justice J.NISHA BANU**

CMP (MD) No.1636 of 2018

IN

CRP (MD) No.1377 of 2017

1 B.ANDIYAPPAN,  
2 A.SENTHIL MURUGAN,  
3 A.SURESH KUMAR,  
4 A.BALA MURUGAN,

... PETITIONERS/PETITONERS/  
PETITONERS/PLAINTIFFS

Vs

P.KARUTHIYAPPAN,

... RESPONDENT/RESPONDENT/  
RESPONDENT/DEFENDANTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the C.M.P.(MD).NO.6785 of 2017 in C.R.P.No.1377 of 2017 and which were dismissed for Non Prosecution on 19.01.2018 on the file of this Hon'ble High Court and thus render justice.

Prayer in CRP(MD). 1377/ 2017 :

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order of the Honourable District Munsiff Court at Vedasandur, Dindigul District in I.A.No.406 of 2015 in O.S.No.158/2015 which is dismissed as Devoid of merit on 8th day of September 2016 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.M.MOHANA RAJ, Advocate for the petitioners the court made the following order:-

This Civil Miscellaneous Petition has been filed to restore C.R.P.(MD)No.1377 of 2017 and C.M.P.(MD)No.6785 of 2017, which was dismissed for non-prosecution on 19.01.2018.

2. Heard the learned Counsel appearing for the petitioners.

3. It is seen from the records that on 25.07.2017, this civil revision petition was dismissed for non-prosecution. Subsequently, on 30.10.2017, the civil revision petition was restored to file, but, the civil miscellaneous petition in C.M.P.(MD)No.6785 of 2017 was not restored. However, the petitioners have got an order of interim stay from this Court in the said civil miscellaneous petition on 14.11.2017, as if both the civil revision petition as



well as the civil miscellaneous petition were restored. The said interim order was subsequently extended until further orders, however, the petitioners did not choose to disclose the fact that the civil miscellaneous petition was not restored.

4. Thereafter, due to non-appearance on behalf of the petitioners, the matter was directed to be listed under the caption 'for dismissal' and even after the same, there was no representation on behalf of the petitioners and hence, the civil revision petition was dismissed for non-prosecution on 19.01.2018 and now, the present miscellaneous petition is filed seeking restoration for the second time and this time, for both C.R.P.(MD)No.1377 of 2017 and C.M.P.(MD)No.6785 of 2017.

5. Considering the circumstances of the case and considering the reasons stated in the affidavit filed in support of the petition, this Court is of the view that one more opportunity shall be given to the petitioners to put forth their case, on terms.

6. In result, this petition is ordered and accordingly, C.R.P.(MD)No.1377 of 2017 and C.M.P.(MD)No.6785 of 2017 are restored to file, on condition that the petitioners shall pay a sum of Rs.2,000/- (Two Thousand only), to the Legal Aid Services Authority attached to this Bench, within a period of one week from the date of receipt of the copy of this order, failing which, this petition shall stand dismissed automatically without further reference to this Court.

7. Registry is directed to list both C.R.P.(MD)No.1377 of 2017 as well as C.M.P.(MD)No.6785 of 2017, in the first week of April 2018, for hearing, after filing proof of payment.

sd/-  
09/03/2018

/ TRUE COPY /

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

TO  
THE DISTRICT MUNSIF AT VEDASANDUR, DINDIGUL DISTRICT.

COPY : THE AUTHORISED OFFICER,  
LEGAL AID SERVICES AUTHORITY,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/CSL/RR/SAR-4-14.3.18-2P-3C

ORDER  
IN  
CMP(MD) No.1636 of 2018  
IN  
CRP(MD) No.1377 of 2017  
Date :09/03/2018