



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.1759 of 2018
IN
SA(MD) No.651 of 2012

NANBANAMBALAM @ VELLAIKANNU ... PETITIONER/APPELLANT

Vs

MUTHU AMBALAM ... RESPONDENT/RESPONDENT

Prayer in CMP(MD)No.1759/2018:-

This Petition filed Under Order 41 Rule 19 of CPC pleaded to set aside the order of default passed in S.A.No.651 of 2012 on the file of this Honourable Court, dated 13.02.2018 and to restore the main second appeal on file and thus render justice.

Prayer in SA(MD)No.651/2012:-

Appeal filed under Section 100 of Civil Procedure Code praying to set aside the decree and judgment made in O.S.No.276/2001 on the file of the I Additional District Munsif Court, Dindigul, dated 14.12.2005 in pursuant to the decree and judgment made in A.S.No.28/2006 on the file of the Additional Subordinate Court, Dindigul, dated 27.01.2012.

ORDER : This Petition coming on for hearing on this day upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.JEYA PRAKASH, Advocate for the Petitioner and of Mr.A.Arumugam for M/s.Ajmal Associates, on behalf of the Respondent, this Court made the following Order:-

This Petition is filed to set aside the order passed in SA(MD) No.651 of 2012 dated 13.02.2018, which was dismissed for non-prosecution and to restore the same.

2.This Court is convinced with the reasons stated in the affidavit filed in support of this petition explaining Counsel's non appearance on 13.02.2018. Hence, this petition is allowed and the



order dated 13.02.2018 in SA(MD)No.651 of 2012 is set aside and the second appeal in SA(MD)No.651 of 2012 is restored.

Sd/-
Assistant Registrar(CSI)

WEB COPY

/ TRUE COPY /

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

TO

1.THE I ADDITIONAL DISTRICT MUNSIF
DINDIGUL

2.THE ADDITIONAL SUBORDINATE JUDGE
DINDIGUL

COPY TO:-

**THE RECORD KEEPER, (2 COPIES)
V.R.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI**

RL/5C/2P/JC/SAR4/16/4/2018

ORDER DATE : 09/03/2018

ORDER

CMP (MD) No.1759 of 2018
IN
SA(MD) No.651 of 2012

GIVING DIRECTIONS ETC.,
AS STATED WITHIN