



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Monday, the Fifth day of February Two Thousand and Eighteen
PRESENT

The Hon'ble Mrs. Justice S. RAMATHILAGAM
CMP(MD) No.487 of 2018

WEB COPY

IN
SA No.711 of 2002

1 VELLAISAMY
2 GOVINDAN

... PETITIONERS/APPELLANTS

Vs

1 DURAIKANNU
2 RAJAMANICKAM

... RESPONDENTS/RESPONDENTS

Prayer in CMP(MD) No.487 of 2018 IN SA No.711 of 2002:

Miscellaneous Petition is filed under Order 41 Rule 19 of Civil Procedure Code praying this Hon'ble Court to set aside the order dated 5.6.2012 dismissing the second appeal in SA.No.711 of 2002 for non -representation and non prosecution on the file of this Honourable Court and restore the same to file.

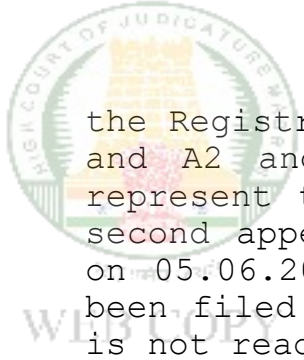
Prayer in SA.No.711 of 2002:

Second Appeal is filed under Section 100 of Civil Procedure Code praying this Hon'ble Court against the judgment and decree of the Lower Appellate Court, dated 03.01.2002 made in A.S.No.28 of 2001 on the file of the Subordinate Judge, Devakottai, setting aside the judgment and decree of the trial Court, dated 28.02.2001 made in O.S.No.82 of 1999 on the file of the District Munsif, Devakottai.

ORDER: This Petition coming on for hearing on this day, upon perusing the affidavit and material papers filed and upon hearing Mr.G.K.R.Pandian, Advocate for the Petitioner, and of Mr.A.Sivaji, Advocate for the Respodents this Court made the following order:

This Second Appeal has been preferred against the judgment and decree dated 03.01.2002 made in A.S.No.28 of 2011 on the file of the Sub-Court, Devakottai reversing the judgment and decree dated 28.02.2001 made in O.S.No.82 of 1999 on the file of the District Munsif, Devakottai.

2.Already this Second Appeal was heard in the year 2008. When the S.A.No.711 of 2002 was posted for final hearing, the learned counsel appearing for the appellant was not present and hence the appeal was dismissed. However, by an order 02.12.2008 made in M.P. (MD)No.1 of 2008 the appeal was restored. Again in the year 2012, it was taken up for hearing. On 05.06.2012, there was no representation on behalf of the appellants and there is also a finding that already the appellants were directed to appear before



the Registry in connection with the payment of stamp duty to Exs. A1 and A2 and the appellants failed to appear and also failed to represent the second appeal for previous two hearings. Hence, the second appeal which was dismissed and restored was again dismissed on 05.06.2012, against which this Civil Miscellaneous Petition has been filed today. The learned counsel appearing for the petitioner is not ready today. Hence, this petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

TO

1. The Subordinate Judge, Devakottai.
2. The District Munsif, Devakottai.
3. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Sivaji, Advocate Sr.No.46684
+1cc to Mr.B.Jameel Arasu, Advocate Sr.No.46767

VB/SKN/RSK/SAR4/28/05/2018/2P/6C

DATED :05/02/2018

RESTORED

CMP(MD) No.487 of 2018
IN
SA No.711 of 2002