



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Fourth day of June Two Thousand and Eighteen

PRESENT

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

CMP(MD) No.7554 of 2017

IN

SA(MD) No.513 of 2016

SARADAMBAL

...Petitioner/Appellant

Vs

1. MARAYEE AMMAL

2.THE LAKSHMI VILAS BANK

REPRESENTED BY ITS BRANCH MANAGER,
KADAPARAI BRANCH, KADAMBANKURICHI VILLAGE,
KARUR TALUK, KARUR DISTRICT.

...Respondents/Respondents

Prayer in C.M.P. (MD) No.7554 OF 2017:

This Miscellaneous Petition is filed under Order 41 Rule 19 of CPC and Section 151 of C.P.C to set aside the order of dismissal passed in SA(MD)No. 513 of 2016 on 14/07/2016 and restore the same to the file of this Honourable Court.

Prayer in S.A. (MD) No.513 of 2016:

Second Appeal filed under Section 100 of the CPC against the Judgment and Decree dated 27.03.2013 made in A.S.No.53 of 2011 on the file of the Principal Subordinate Judge, Karur, reversing the Judgment and Decree dated 19.04.2011 made in O.S.No.574 of 2006 on the file of the Additional District Munsif, Karur.

ORDER: This Miscellaneous Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.J.Chakaravarthi for M/s. Eddy & Emboss, Advocate for the petitioner/Appellant, and Mr.K.Govindaraj for Respondent No.1 and the respondent No.2 not appeared either in person or by an Advocate, the Court made the following order:

This petition is filed to set aside the order of dismissal passed in SA(MD)No.513 of 2016, dated 14.07.2017 and to restore the same on file.

2.Learned Counsel for the petitioner states that on account of Advocates' boycott, the Counsel could not appear before this Court, on the day when the second appeal was dismissed for default, on 14.07.2017. Learned Counsel for the respondents has no serious objection for restoring the second appeal.

3.This Court is convinced with the reasons stated in the affidavit filed in support of this petition. Hence, this petition is allowed and the order dated 14.07.2017 in SA(MD)No.513 of 2016 is set aside and the second appeal in SA(MD)No.513 of 2016 is restored. Post



the main appeal on 02.07.2018.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar (CO)

Sub Assistant Registrar

TO

1.The Principal Subordinate Judge,
Karur.

2.The Additional District Munsif,
Karur.

Copy to

1.The Section Officer,
Judicial Section,
Madurai Bench Of Madras High Court,
Madurai.

2.The Section Officer,
V.R.Section,
Madurai Bench Of Madras High Court,
Madurai.(2 Copies)

CMR

DS/SKN-RSK/SAR-1 :08.06.2018: 2P/6C

ORDER DATED:04.06.2018
NEXT HEARING DATE :02.07.2018

CMP(MD) No.7554 of 2017
IN
SA(MD) No.513 of 2016

Giving directions etc., as
stated within.