



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

PRESENT

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

CMP(MD) No.6931 of 2016
IN
SA(MD) No.735 of 2012

SHANMUGAM,

... PETITIONER/APPELLANT

Vs

1 THIRUVADUTHURAI AATHINAM,
DHANAKONARIAPPA MUDALIAR KATTALAI,
NO.72, DHANAPPA STREET,
MADURAI-1.

2 PANDIAN,

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the S.A(MD)No.735 of 2012, which was dismissed for non prosecution on 11.12.2012 on the file of the Honourable High Court and thus render justice.

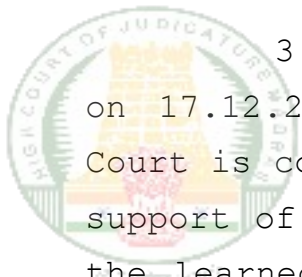
Prayer in SA(MD). 735/ 2012 :

To prefer the above appeal against the judgment and decree dated 10.10.2011 passed in A.S.No.113 of 2010 on the file of the Principal Subordiante Judge, Madurai, confirming the judgment and decree dated 12.02.2010 passed in O.S.No.52 of 2005 on the file of District Munsif Court, Madurai Taluk, Madurai.

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.V.VENKATASAMY, Advocate for the petitioner and of MR.S.MANO HAR, Advocate for R1 and of MR.F.X.EUGENE, Advocate for R2 the court made the following order:-

This petition is filed to restore the above Second Appeal, which was dismissed for non prosecution on 11.12.2012.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.



3. This petition is filed immediately within 5 days i.e., on 17.12.2012 after the Appeal was dismissed for default. This Court is convinced with the reasons stated in the affidavit filed in support of this petition explaining the cause for non-appearance of the learned counsel for the petitioner on the date when the Appeal was dismissed for default.

4. This petition is therefore ordered. Registry is directed to post this Second Appeal alone with connected matter in S.A.(MD)No.4 of 2011 on 02.03.2018.

sd/-
27/02/2018

/ TRUE COPY /

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

PMU
TO

1 THE PRINCIPAL SUBORDINATE JUDGE, MADURAI

2 THE DISTRICT MUNSIF, MADURAI TALUK, MADURAI

GJM/CM/VR/SAR-1-1.3.18-2P-3C

ORDER
IN
CMP(MD) No.6931 of 2016
IN
SA(MD) No.735 of 2012
Date :27/02/2018