



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Wednesday, the Sixth day of June Two Thousand and Eighteen
PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
CMP(MD) No.4532 of 2018

IN
SA(MD) No.351 of 2013

WEB COPY

B.RAVICHANDRAN

... PETITIONER/PROPOSED RESPONDENT

Vs

1 S.R.SUBRAMANIAN

... RESPONDENT/APPELLANT

2 LUNARAJAN

... RESPONDENT /RESPONDENT

Prayer in CMP:

This Petition filed under order 41 Rule 19 of CPC praying to restore the impleading petition M.P.(MD)1/15 in SA(MD) No.351 of 2013 which was dismissed for non appearance on 16.3.2016.

Prayer in MP(MD)No.1 of 2015:

This Petition filed under order-1 Rule 10 CPC Section 151 CPC praying to implead the petitioner as a 2nd Respondent in the above said second appeal.

Prayer in SA:

This Appeal filed under Section 100 of Civil Procedure Code praying to allow the Second Appeal and set aside the judgment and decree in As.No. 68 of 2012 dated 07.12.2012 on the file of Additional Sub Court, Dindigul reversing the judgment and decree made in O.S.No.34 of 2007 dated 10.07.2012 on the file of Principal District Munsif Court, Dindigul.

ORDER: This Petition coming on for hearing on this day upon perusing the petition and affidavit and material papers of this petition and upon hearing the arguments of Mr.C.Masilamani, Advocate for the petitioner and Mr.M.V. Venkateseshan, Advocate for the Respondent R1 and Mr.H.Lakshmi Shankar, Advocate for the Respondent R2 and this Court made the following order:

This Petition is filed to restore the impleading petition in M.P.No.1 of 2015 in S.A(MD)No.351 of 2013, which was dismissed for non-appearance on 16.03.2016.

2. Already the petitioner has paid the costs in compliance of the order of this Court to condone the delay of 636 days in filing the restoration petition. This Court is also convinced with the reasons stated in the affidavit filed in support of the petition as to the cause for his counsel's non-appearance. It appears that due



to inadvertence the counsel did not notice the lighting of the case.

3. Considering the facts narrated in the affidavit filed in support of this Petition, this Court is inclined to allow this petition. As a result, this petition is allowed.

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Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Sub Court,
Dindigul.
2. The Principal District Munsif Court,
Dindigul.

VB/SV/MMS/SAR1/09.07.2018/2P/3C

DATED :06/06/2018

ORDER

CMP(MD) No.4532 of 2018
IN
SA(MD) No.351 of 2013