



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

Friday, the Twenty Eighth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CMP (MD) No.8846 of 2018

IN

SA No.992 of 2003

P.KRISHNAN

... APPELLANT

Vs

1 SANKARA GOMATHI

2 MINOR.MAHARASI

3 MINOR. CHINNADURAI

4 MINOR. RAMKUMAR

5 MINOR.CHITRA

6 MUTHUPANDI

... RESPONDENTS/ RESPONDENTS

(MINOR RESPONDENTS 2 TO 6 ARE REPRESENTED BY THEIR NEXT FRIEND AND GUARDIAN HIS MOTHER THE FIRST RESPONDENT HEREIN)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order of dismissal for default dated 27.03.2018 passed in S.A.(MD)No.992 of 2003, on the file of this Hon'ble court, and restore the same to file and thus render justice.

Prayer in SA. 992/ 2003 :

second appeal preferred by the appellant above named against the decree and judgment dated 13.11.2002 rendered in A.S.NO.19/2000 on the file of the Subordinate Judge Ambasamudram, reversing the judgment dated 25.4.2000 rendered in O.S.No.262 of 1996 on the file of the District Munsif of Cheranmahadevi.

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.P.JESSI JEEVA PRIYA, Advocate for the petitioner and of Mr.S.KUMAR, Advocate for R1, the court made the following order:-

The Second appeal No.992 of 2003 had been filed in view of the reversing Judgment in O.S.No.262 of 1996 and A.S.No.19 of 2000.

2. For the past more than 20 years, the issue of possession over the suit property is in dispute. The appellant claims to be in possession pursuant to an agreement of sale. The respondents have denied and claimed to be in possession pursuant to settlement deed. This second appeal was dismissed for non-prosecution on 27.03.2018.



3. In the affidavit filed in support of the petition, it is stated that the counsel who was originally on record had been designated as Senior Advocate and the name of the instructing Counsel which should have been printed in the cause list was not printed. The delay is condoned. Consequently, this application is allowed.

4. Post the Second appeal No.992 of 2003 under the caption for 'final hearing' on 08.10.2018.

5. It is seen that the respondents-2 to 6 are shown as minors. If they have attained majority necessary application has to be filed so that the main appeal itself can be taken.

sd/-
28/09/2018

/ TRUE COPY /

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

TO

1. THE SUBORDINATE JUDGE, AMBASAMUDRAM.

2. THE DISTRICT MUNSIF, CHERANMAHADEVI.

ORDER
IN
CMP (MD) No.8846 of 2018
IN
SA No.992 of 2003
Date :28/09/2018

MS/PN/SAR-3/08.10.2018/2P.3C