

C.M.P.No.574 of 2011
in
A.S.No.511 of 2004

S.M.SUBRAMANIAM, J.

The miscellaneous petition is filed in C.M.P.No.574 of 2011 to set aside the judgment and decree dated 03.09.2010 in A.S.No.511 of 2004 and to restore the appeal.

2. The main reason stated in the petition is that no notice was served to the respondent in the first appeal. Thus, the respondent was denied an opportunity to represent their case in the first appeal. A verification of the copy of the decree reveals that non-appeared for the respondent and there is no proof to establish that notice was served to the respondent in the first appeal. This being the factum, the petition stands allowed and the judgment and decree dated 03.09.2010 passed in A.S.No.511 of 2004 stands set aside.

3. Registry is directed to list the matter on 09.12.2019.

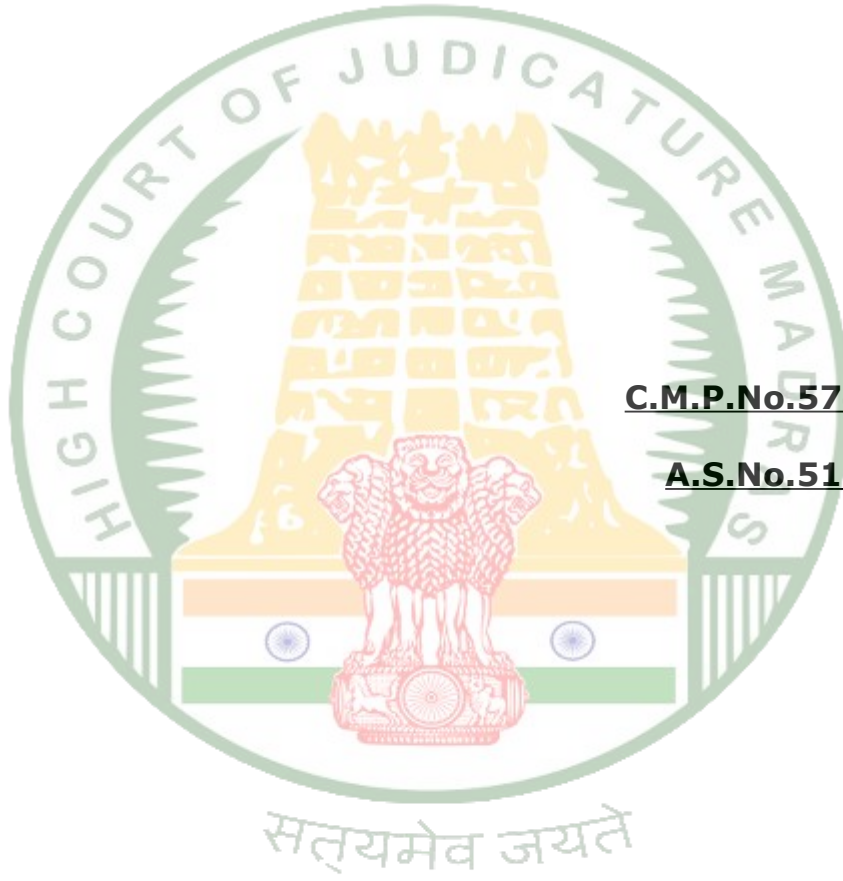
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ssb



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