



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

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice R.HEMALATHA

CMP(MD) No.3841 of 2019

IN

SA No.1937 of 2002

SATTAVU CHETTIYAR

... PETITIONER/ PETITIONER

Vs

1 CHINNAIYA AMBALAM

(DECEASED) SOLE RESPONDENT BY LRS.

2.CHINAMMAL (DIED)

(MEMO FILED IN COURT ON 21.02.2019 AND
RECORDED AS R2 DIED R3 TO R6 ARE THE LRS
OF DECEASED R2 AS PER ORDER DATED
21.02.2019 IN CMP.9876/18 IN SA.1937/02)

3 AZHAGAMMAL

4 NACHAMMAL

5 PALANICHAMY

6 RAMASAMY

... 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 above CMP.Nos.12969, 12970 and 12971 of 2003 in SA.No.1937 of 2002, dismissed by this Honourable Court on 18.11.2013 and thus render justice.

Prayer in SA. 1937/ 2002 :

To prefer this Memorandum of Second Appeal against the Decree and Judgment of the Principal Subordinate Judge, Dindigul, dated 12/09/2001 and passed in A.S.No.49 of 2000, reversing the Decree and Judgment decree of the I Additional District Munsif, Dindigul, dated 29/09/1999 and passed O.A.No.286 of 1997.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.A.HARIHARAN, Advocate for the petitioner and of MR.J.LAWRANCE, Advocate for R3 to R6, the court made the following order:-

This petition is filed under Section 151 of CPC, to restore the petition in C.M.P.(MD) Nos.12969 to 12971 of 2003 in S.A.No.1937 of 2002, which was dismissed on 18.11.2013.



2.No serious objections were placed on the side of the respondents.

3.This Court is also satisfied with the reasons assigned in paragraph Nos.4 to 6 of the affidavit filed in support of the petition.

4. In the result, this petition is allowed and the registry is directed to restore the Civil Miscellaneous Petition in C.M.P.(MD) Nos.12969 to 12971 of 2003 and list the matter on 26.04.2019.

sd/-
15/04/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SUBORDINATE JUDGE,
DINDIGUL.

2 THE I ADDITIONAL DISTRICT MUNSIF,
DINDIGUL.

COPY TO:

THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.3841 of 2019
IN
SA No.1937 of 2002
Date :15/04/2019

JM/MMS/SAR 2/25.04.2019/2P/4C