



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Third day of September Two Thousand and Nineteen

WEB COPY

PRESENT

The Hon'ble Mrs. Justice J.NISHA BANU

CMP(MD) . No.7443 of 2019

in

SA(MD) .No.912 of 2001

1 M.Basmeekaran

2 M.Bageerathan

... Petitioners/Appellants

Vs

1 N.Revathi

2 Dr.V.Soundarajan

3 Dr.Indirani

4 M.Govindasamy

... Respondents/Respondents

Prayer in CMP(MD) . No.7443 of 2019:-

Civil Miscellaneous Petition is filed under Order 41 Rule 19 of Civil Procedure Code praying this Hon'ble Court to set aside the order in S.A.No.912 of 2001 dated 09.03.2016 and restore the same.

Prayer in SA.No.912 of 2001 :

Second Appeal is filed under section 100 of the code of Civil Procedure against the judgment and decree made in A.S.No.17 of 2000 dated 13.2.2001 on the file of the Subordinate Court, Pattukottai, confirming the judgment and decree in O.S.No.319 of 1996 dated 28.06.2000 on the file of the District Munsif, Pattukkottai.

ORDER:- Civil Miscellaneous Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. P.Vadivel, Advocate for the Petitioners and Mr. M.Saravanakumar, Advocate for the 1st respondent, and of Mr.D.R.Murugesan, Advocate for the respondents No.2 to 4, this Court made the following order:

Heard.

<https://hcservices.ecourts.gov.in/hcservices/>



This petition has been filed by the petitioners seeking to set aside the dismissal order dated 09.03.2016 and restore S.A.No.912 of 2001, which was dismissed for non-prosecution on 09.03.2016.

2.The learned counsel for the respondents does not have any objection for allowing the petition.

3.Being satisfied with the reasons stated in the affidavit filed in support of the petition, the dismissal order dated 09.03.2016 passed in S.A.No.912 of 2001 is set aside and S.A.No.912 of 2001 is restored to file.

4.This petition is ordered accordingly.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1 The Subordinate Judge, Pattukottai
- 2 The District Munsif, Pattukkottai.

Copy to:

1. The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai
2. The Section Officer, V.R Section,
Madurai Bench of Madras High Court, Madurai(2)

ORDER DATED : 03/09/2019

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RESTORED
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CMP(MD) . No.7443 of 2019
in
SA(MD) .No.912 of 2001

Giving direction and etc.
as stated within.

CS(17.09.2019) 2P 6C