



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

Friday, the Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.8473 of 2018

IN

SA(MD) No.509 of 2017

1 S.AROKIYAM
2 JOHN BHASKAR

... PETITIONERS/ APPELLANTS

Vs

1 R.M.SUBRAMANIAN
2 SONAIMUTHU @ KOOZHU
3 ANGUSAMY
4 GANDHIAMMAL

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the order dated 27.02.2018 dismissing SA(MD)No.509 of 2017 for default and restore the Second Appeal SA(MD)No.509 of 2017 on the file of this Hon'ble Court and thus render justice.

Prayer in SA(MD). 509/ 2017 :

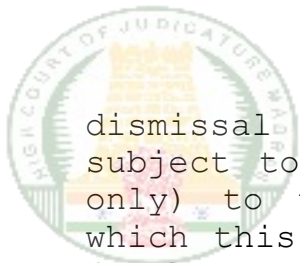
To set aside the Judgment and decree 15.06.2016 made in AS.No.19 of 2014 on the file of Sub Court, Sivagangai, confirming the judgment and decree date 20.09.2013 made in OS.No.197 of 2010 on the file of District Munsif Court, Sivagangai and allow this second appeal.

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.S.SRINIVASA RAGHAVAN, Advocate for the petitioner and of Mr.S.C.HEROLD SINGH, Advocate for R1, and RR2 to 4 not appeared either in person or by an advocate, the court made the following order:-

Heard.

This petition has been filed by the petitioners seeking to set aside the dismissal order dated 27.02.2018 made in S.A.(MD)No.509 of 2017.

2.Considering the reasons stated in the affidavit filed in support of the petition, this Court is inclined to set aside the



dismissal order dated 27.02.2018 made in S.A(MD)No.509 of 2017 subject to the payment of cost of Rs.1,000/- (Rupees one thousand only) to the first respondent, on or before 14.03.2019, failing which this petition shall stand dismissed automatically without any further reference to this Court.

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3.This petition is accordingly ordered.

4. In the event of payment of cost, the Registry is directed to restore S.A(MD)No.509 of 2017 and post the same on 15.03.2019 for hearing.

sd/-

08/03/2019

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE,
SIVAGANGAI.

2 THE DISTRICT MUNSIF,
SIVAGANGAI.

COPY TO:

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

ORDER

IN

CMP (MD) No.8473 of 2018

IN

SA(MD) No.509 of 2017

Date :08/03/2019

MS/VR/SAR-2/12.03.2019/2P.4C