



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Sixteenth day of April Two Thousand and Nineteen

PRESENT

The Hon`ble Mrs.Justice R.HEMALATHA

CMP(MD) No.8628 of 2018 to 8631 of 2018
IN
SA(MD) No.468 of 2008

1 MALAR
2 V.ANNADURAI
3 SELVI

... PETITIONER/PROPOSED APPELLANTS 1 TO 3
IN CMP(MD)8628 OF 2018 TO 8631 OF 2018

Vs

CHELLADURAI ... RESPONDENT/RESPONDENT/RESPONDENT IN
CMP(MD)8628 OF 2018 TO 8631 OF 2018

Prayer in CMP(MD). 8628/ 2018 :

Pleased to set aside and restore the order passed in C.M.P. (MD)No.10469 of 2017 in SA(MD)No.468 of 2008 which was dismissed for non-payment of batta dated 09.07.2018 on the file of this Honourable court.

Prayer in CMP(MD). 8629/ 2018 :

Pleased to set aside the restore the order passed in CMP (MD)No.10470 of 2017 in SA(MD)No.468 of 2008 which was dismissed for non-payment of batta dated 09.07.2018 on the file of this Honourable court.

Prayer in CMP(MD). 8630/ 2018 :

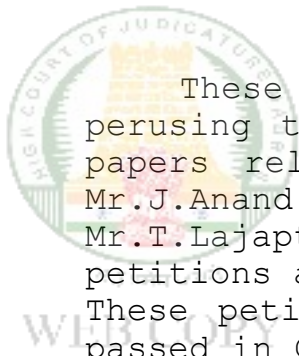
Pleased to set aside and restore the order passed in CMP (MD)No.10471 of 2017 in SA(MD)No.468 of 2008 which was dismissed for non-payment of batta dated 09.07.2018 on the file of this Honourable court.

Prayer in CMP(MD). 8631/ 2018 :

Pleased to set aside the restore the order passed in CMP (MD)No.10472 of 2017 in SA(MD)No.468 of 2008 which was dismissed for non-payment of batta dated 09.07.2018 on the file of this Honourable court.

Prayer in SA(MD). 468/ 2008 :

Second Appeal is filed under Section 100 of CPC praying to set aside the judgment and decree dated 11/09/2007 in AS.No.36/2007 on the file of the District Judge, Sivagangai partly confirming the judgment and decree dated 12/07/2006 in OS.No.28/2005 on the file of the Subordinate Judge, Devakottai by allowing this Appeal.



These Petitions coming on for hearing on this day and upon perusing the affidavits along with the petitions and the material papers relating to this case and upon hearing the arguments of Mr.J.Anand kumar, Advocate for the petitioners and of Mr.T.Lajapthiroy, Advocate for the sole respondent in all the petitions and the court made the following order:

These petitions are filed (i) to set aside and restore the order passed in C.M.P.(MD) No.10469 of 2017; (ii) to set aside and restore the order passed in C.M.P.(MD) No.10470 of 2017; (iii) to set aside and restore the order passed in C.M.P.(MD) No.10471 of 2017 and (iv) to set aside and restore the order passed in C.M.P.(MD) No.10472 of 2017 in the above second appeal, respectively, which were dismissed for non-payment of batta dated 09.07.2018.

2.No serious objections were raised by the learned counsel appearing for the respondents.

3.This Court is also satisfied with the reasons assigned in paragraph Nos.3 to 5 of the affidavit filed in support of the petitions.

4. In the result, these petitions are allowed and the registry is directed to restore the Civil Miscellaneous Petitions and list the matter after four weeks

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

TO

1 The District Judge, Sivagangai.

2 The Subordinate Judge, Devakottai.

Copy to:

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

ORDER DATED:16/04/2019

ORDER

CMP(MD) No.8628 of 2018 to 8631
of 2018

IN

SA(MD) No.468 of 2008

Giving directions etc., as stated
within.