



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

Friday, the Sixth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Ms.Justice P.T.ASHA

CMP(MD) No.7306 of 2019
in
SA(MD) SR.No.33407 of 2016

ALAGULAKSHMI

... PETITIONER/APPELLANT

Vs

T.SARAVANAN

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the dismissal order dated 17.07.2019 passed in CMP(MD) No.12156 of 2018 and SA(MD)SR.33407 of 2016 and restore the same to file.

PRAYER IN SA(MD) SR.No.33407 of 2016:

Pleased to set aside the Judgment and Decree dated 14.03.2016 passed in A.S.No.27 of 2015 by the Additional District Court, Dindigul in confirming the Judgment and Decree dated 30.03.2015 passed in O.S.No.83 of 2010 by the Principal Subordinate Court, Dindigul and consequently allow the Second Appeal and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.R.VENKATESAN, Advocate for the petitioner, the court made the following order:-

The above application has been filed to set aside the dismissal order dated 17.07.2019 passed in CMP(MD) No.12156 of 2018 in S.A(MD) SR No.33407 of 2016 and restore the same to file.

2.The order dated 17.07.2019 was passed on account of the fact that the petitioner has not complied with the order dated 26.06.2019 granting three weeks time to the petitioner to serve the notice on the respondent.



3.The learned counsel for the petitioner would submit that the Junior Counsel had prepared the batta. However, the same has got misplaced.

4.Considering the fact that the application has been moved immediately and the reasons appeared to be sufficient, this Civil Miscellaneous Petition is allowed and CMP(MD) No.12156 of 2018 is restored to file.

5.The petitioner is directed to pay the batta on or before 09.09.2019.

sd/-
06/09/2019

/ TRUE COPY /

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

TO

1.THE PRINCIPAL SUB JUDGE,
DINDIGUL

2.THE ADDITIONAL DISTRICT JUDGE, DINDIGUL

ORDER
IN
CMP(MD) No.7306 of 2019 in
SA(MD)SR.No.33407 of 2016
Date :06/09/2019

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