



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

Wednesday the Twenty Seventh day of November Two Thousand and
Nineteen

PRESENT

The Hon'ble Mrs. Justice J.NISHA BANU

CMP (MD).No.8434 of 2019
in
SA(MD).No.1029 of 2006

1 Sundar Raj
2 Rasal Raj

...Petitioners/Appellants

Vs

1 Joseph Raj
2 Raja Bai
3 Dora Mary
4 Mary Stella
5 Arlu
6 Prasath
7 Amalin Sutha
8 Thangaraj
9 Radha Devi
10 Sornam
11 Rajarathinam

...Respondents/Respondents

Prayer in CMP(MD).No.8434 of 2019 :-

Civil Miscellaneous Petition is filed under section 151 of Civil Procedure Code, praying this Hon'ble Court to set aside the order dated 20.08.2019 and restore the SA(MD)No.1029 of 2006

Prayer in SA(MD).No.1029 of 2006 :

Second Appeal is filed under section 100 of Civil Procedure Code, praying this Hon'ble Court against the judgment and decree dated 03.03.2006 made in A.S.No.77 of 2005 on the file of the Sub Court, Padmanabhapuram, confirming the judgment and decree dated 27.06.2005 made in O.S.No.284 of 2001 on the file the Additional District Munsif Court, Padmanabhapuram.



ORDER:-

Civil Miscellaneous Petition is coming upon for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Govindaraj, Advocate for the Petitioner and of Mr. G.Cenil, Advocate For 1st Respondent, Mr.John Jeyakumar, Advocate For the Respondents No.4 to 7 and of Mr.C.Kishore, Advocate For the 11th Respondent, this Court made the following order:

Heard.

This petition has been filed by the petitioners seeking to set aside the dismissal order dated 20.08.2019 and restore S.A(MD) No.1029 of 2006, which was dismissed for non-prosecution on 20.08.2019.

2.The learned counsel for the contesting respondents do 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 20.08.2019 passed in S.A(MD)No.1029 of 2006 is set aside and S.A(MD) No.1029 of 2006 is restored to file.

4.This petition is ordered accordingly.

5.Registry is directed to post S.A(MD)No.1029 of 2006 for final hearing on 04.12.2019.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

TO

- 1 The Sub Judge, Padmanabhapuram
- 2 The Additional District Munsif, Padmanabhapuram.

Copy to:

- 1 The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai
- 2 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai
(To List the main case on 04.12.2019)



WEB COPY

CMP (MD) . No.8434 of 2019 in SA (MD) .No.1029 of 2006

ORDER DATED : 27/11/2019

=====
RESTORED
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CMP (MD) .No.8434 of 2019
in
SA (MD) .No.1029 of 2006

Giving direction and etc.
as stated within.

NS (CO)
TR (03.12.2019) 3P 5C