



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

Wednesday, the Fifth day of August Two Thousand and Twenty
PRESENT

The Hon'ble Mrs. Justice J.NISHA BANU
CMP(MD).Nos.2273 and 2274 of 2020

in

SA.No.1702 and 1764 of 2003

Gandhi ...Appellant/Appellant/Plaintiff in both cases

Vs

Santhanamari ...Respondent/Respondent/Defendant in both cases

Prayer in CMP(MD).No.2273 of 2020:-

Civil Miscellaneous Petition filed under Order XLI Rule 19 read with Section 151 of Civil Procedure Code, praying this Hon'ble Court to set aside the order of dismissal for non appearance dated 23.01.2020 and restore the above S.A. No. 1764 of 2003.

Prayer in CMP(MD).No.2274 of 2020 :

Civil Miscellaneous Petition filed under Order XLI Rule 19 read with Section 151 of Civil Procedure Code, praying this Hon'ble Court to set aside the order of dismissal for non appearance dated 23.01.2020 and restore the above S.A. No. 1702 of 2003

Common Prayer in Second Appeal Nos.1702 and 1764 of 2003:

These Second Appeals are filed under Section 100 CPC against the Judgment and Decree in A.S.Nos. 45 and 46 of 2001 on the file of the Sub Court, Sankarankoil, dated 25.01.2002 confirming the Judgment and Decree in O.S.Nos.. 169 of 1998 and 172 of 1998 on the file of the District Munsif-Cum-Judicial Magistrate, Sivagiri, dated 28.09.2001.

ORDER:-

These Second Appeals are coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. N.Ga.Natraj, Advocate for the Petitioner in both cases and of Mr. J.Antony Jesus, Advocate for the Respondents in both cases, this Court made the following order:

These petitions have been filed by the petitioner seeking to restore the above second appeals, which were dismissed for non prosecution on 23.01.2020.

2. The learned counsel appearing for the respondent has no serious objection in allowing these petitions.

<https://hcservices.courts.gov.in/hcservices> of the above and also considering the reason stated



in the affidavit filed in support of the petitions, these petitions are ordered and the second appeals are directed to be restored to file.

4. Registry is directed to list the second appeals for final hearing in the usual course.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The Subordinate Judge, Sankarankoil.
- 2 The District Munsif cum Judicial Magistrate,
Sivagiri.

Copy to

- 1 The Record Keeper, VR Section, Madurai Bench of Madras High Court, Madurai. (2 COPIES)
- 2 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.
(For information)

ORDER DATED : 05/08/2020

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RESTORED

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CMP(MD).Nos.2273 and 2274 of 2020
in

SA.No.1702 and 1764 of 2003

Giving direction and etc.
as stated within.

KK(26.08.2020) 2P 6C