



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

Wednesday, the Twenty Third day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) No.2567 of 2020

IN

SA(MD) No.172 of 2004

RM.ARUNACHALAM

... PETITIONER/ APPELLANT

Vs

1 PL.RM.ARUNACHALAM CHETTIAR

2 AR.MUTHAIAH

3 PL.ARUNACHALAM

... 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 04.09.2018 dismissing the second appeal SA.No.172 of 2004 on the file of this Hon`ble Court.

Prayer in SA(MD) No.172 of 2004:

Second Appeal filed under Section 100 of the Civil Procedure Code, praying against the judgment and decree in A.S.No.43 of 2003 on the file of the District Judge, Sivagangai and dated 22.06.2004 in confirming the judgment and decree in O.S.No.55 of 1994 on the file of the Sub Court, Devakkottai and dated 27.12.2002.

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.MANIKANDAN, Advocate on behalf of the Respondents, the court made the following order:-

This petition has been filed by the petitioner seeking to condone the delay of 510 days in filing a petition to set aside the order dated 04.09.2018, made in S.A(MD)No.172 of 2004, which was dismissed for non-prosecution.

2.Heard the learned counsel appearing for the respondents.

3.Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to allow this petition subject to the payment of cost of Rs.1,000/- (Rupees one thousand only) to the Legal Services Committee, attached to this Bench on or before 28.09.2020, failing which, this petition shall stand dismissed automatically without any further reference to this Court.



4.This petition is accordingly ordered.

5.In the event of payment of cost, Registry is directed to number the restoration petition, if the papers are otherwise in order and list the same for hearing on 29.09.2020.

sd/-
23/09/2020

/ TRUE COPY /

/ /2020

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

TO

1 THE DISTRICT JUDGE,
SIVAGANGAI.

2 THE SUBORDINATE JUDGE,
DEVAKOTTAI.

COPY TO:

THE AUTHORISED OFFICER,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.2567 of 2020
IN
SA(MD) No.172 of 2004
Date :23/09/2020

SMN
JM/VR/SAR III/24.09.2020/2P/4C