



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

Friday, the Sixth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

CMP(MD)No.5147 of 2020
in
SA(MD)No.172 of 2004

RM.ARUNACHALAM

: PETITIONER/APPELLANT

Vs.

1. PL.RM.ARUNACHALAM CHETTIAR(DIED)

2. AR.MUTHAIAH

3. PL.ARUNACHALAM

: RESPONDENTS/RESPONDENTS

Prayer in CMP(MD)No.5147 of 2020: This Civil Miscellaneous Petition filed under Order XLI Rule 19 of Civil Procedure Code, r/w Section 151 Civil Procedure Code, praying to set aside the order dated 04.09.2018 dismissing the Second Appeal in SA(MD)No.172 of 2004 on the file of this 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, dated 22.06.2004 in confirming the judgment and decree in O.S.No.55 of 1994 on the file of the Sub Court, Devakottai, dated 27.12.2002.

ORDER : This Civil Miscellaneous Petition 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.S.SRINIVASA RAGHAVAN, Advocate for the petitioner and of Mr.R.Sundar Srinivasan, Advocate for the respondent Nos.2 and 3, this Court made the following order:

This petition has been filed to set aside the order, dated 04.09.2018 dismissing the Second Appeal in S.A(MD).No.172 of 2004.

2. The learned counsel appearing for the respondents has no serious objection to allow this petition.



3. In view of the same, this petition is allowed and the S.A (MD).No.172 of 2004 is restored to file.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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/ /2020
Sub Assistant Registrar(CS)

To

1. The District Judge, Sivagangai.
2. The Subordinate Judge, Devakottai.

Copy to: The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

Order Dated :06/11/2020

ORDER

CMP(MD) No.5147 of 2020
IN
SA(MD) No.172 of 2004

Giving direction and etc.,
as stated within.

PM(CO)
CS(18.11.2020) 2P 4C