



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

Friday, the Seventh day of August Two Thousand and Twenty
PRESENT

The Hon'ble Mrs. Justice J. NISHA BANU
CMP(MD). No.2832 of 2020

in
SA(MD).No.137 of 2007

S.Rathina Sabapathy ...Petitioner

Vs

1 Karuppaiah Servai
2 Subbiah Servai,
3 Vaithialingam Servai
4 Kasinathan
5 Dakshina Moorthy ...Respondent 1 to 5/Respondent 1 to 5

Prayer in CMP(MD). No.2832 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 restore the Second Appeal No.137 of 2007 which was dismissed for Non-Prosecution on 05.02.2020.

Prayer in SA(MD).No.137 of 2007 :

Second Appeal filed under Section 100 of Civil Procedure Code, praying this Hon'ble Court to set aside the Judgment and Decree dated 27/09/2005 made in AS.3/2005 on the file of the District Judge, Pudukkottai confirming the Judgment and Decree dated 15/02/2000 Made in OS.171/1997 on the file of the District Munsif cum Judicial Magistrate, Thirumayam.

ORDER:-

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.V.Ramakrishnan, Advocate for the Petitioner and of Mr.P.Thiagarajan, Advocate for the 4th and 5th respondents, this Court made the following order:

Heard.

This petition has been filed by the petitioner seeking to restore the above second appeal, which was dismissed for default on 05.02.2020.

2.The learned counsel appearing for the respondents 4 and 5 has no objection for allowing the petition.

3.Considering the submission of the learned counsel for the respondents 4 and 5 and being satisfied with the reasons stated in support of the petition, the dismissal order



dated 05.02.2020 passed in S.A(MD)No.137 of 2007 is set aside and S.A(MD)No.137 of 2007 is restored to file.

4.This petition is ordered accordingly.

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Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The District Judge, Pudukkottai.
- 2 The District Munsif cum Judicial Magistrate,
Thirumayam.

Copy to

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

ORDER DATED : 07/08/2020

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RESTORED
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CMP(MD) . No.2832 of 2020
IN
SA(MD) .No.137 of 2007

Giving direction and etc.
as stated within.

KB(26.08.2020) 2P 5C