



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 R. MAHADEVAN

CMP(MD). No.4331 of 2020
in
SA(MD).No.661 of 2015

Boominathan ... Petitioner/Appellant

Vs

Dhanapandi ... Respondent/Respondent

Prayer in CMP(MD). No.4331 of 2020:-

Civil Miscellaneous Petition is filed under Order 41 Rule 19 of Civil Procedure Code, praying this Hon'ble Court to set aside the order of dismissal of the Second Appeal in S.A.(MD)No.661 of 2015 for non prosecution dated 25.02.2020.

Prayer in SA(MD).No.661 of 2015 :

Second Appeal is filed under Section 100 of Civil Procedure Code, against the judgment and decree dated 10.02.2015 made in A.S.No.118 of 2011 on the file of the III Additional Sub Court, Madurai confirming the judgment and decree dated 29.01.2009 made in O.S.No.37 of 2008 on the file of the District Munsif cum Judicial Magistrate, Vadipatti, Madurai District.

ORDER:-

Civil Miscellaneous Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and the earlier order of this Court dated 25.02.2020 made in S.A(MD)No.661 of 2015 and upon hearing the arguments of Mr.R.Aravindan, Advocate for the Petitioner and of Mr.T.J.Ebinezer Charles, Advocate for the respondent, this Court made the following order:

This Civil Miscellaneous Petition is filed to set aside the order of dismissal dated 25.02.2020 passed in S.A(MD)No.661 of 2015 and to restore the second appeal to file.

2.Having been satisfied with the reasons assigned in the affidavit filed in support of this petition, this Civil Miscellaneous Petition is ordered and the second appeal is restored



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CMP(MD). No.4331 of 2020

3.The Registry is directed to list the second appeal on
25.11.2020.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The III Additional Sub Judge, Madurai.
2. The District Munsif cum Judicial Magistrate,
Vadipatti, Madurai District.

Copy to:

The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.
(To List the matter on 25.11.2020)

ORDER DATED : 06/11/2020

HEARING DATE : 25/11/2020

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Restoration
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CMP(MD) . No.4331 of 2020
in
SA(MD) .No.661 of 2015

Giving direction and etc.
as stated within.

NS (CO)
CS(19.11.2020) 2P 4C