



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty Second day of July Two Thousand and Twenty
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

WEB COPY

CMP (MD) . No.4719 of 2019 in S.A.No.258 of 2000

A.Ramalingam, ... Petitioner/Appellant

Vs

1 Ponnusamy (Died), ...Sole Respondent in S.A

2.Kuppayee Ammal

3 Palaniammal,

4 Saraswathi,

5 Sampooranam, ... Respondents 2 to 5/Proposed
2 to 5 Respondents and LRS
of Deceased sole Respondent
(Ponnusamy)

Prayer in CMP (MD) . No.4719 of 2019 :-

This Petition filed Under Order 41 Rule 19 read with Section 151 of Civil procedure Code, praying to restore the Second Appeal in SA.No.258 of 2000 on the file of this Honourable Court, which was dismissed for non-appearance on 12.01.2009 and take the Second Appeal on the file of this Honourable Court

Prayer in SA. 258 of 2000 :

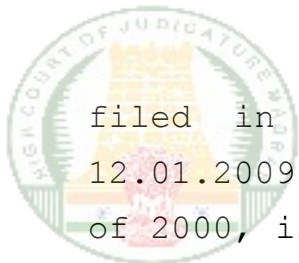
This Second Appeal filed Under Section 100 of Civil Procedure Code, praying to prefer this memorandum of Grounds of Second Appeal against the judgement and decree dated 05.02.1999 and made in A.S.No. 290/97 on the file of II Additional District Judge, Tiruchirappalli, confirming the judgement and decree dated 28.08.1997 made in OS.No.209 of 1991 on the file of Sub Court, Karur

ORDER:- This 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.D.Nallathambi, Advocate for the Petitioner and of, this Court made the following order:

Heard.

This petition has been filed by the petitioner seeking to set aside the dismissal order dated 12.01.2009 and restore S.A.No.258 of 2000, which was dismissed for non-prosecution on 12.01.2009.

2.Being satisfied with the reasons stated in the affidavit



filed in support of the petition, the dismissal order dated 12.01.2009 passed in S.A.No.258 of 2000 is set aside and S.A.No.258 of 2000, is restored to file.

3.This petition is ordered accordingly.

4.The learned counsel for the petitioner / appellant would state that the sole respondent died and therefore, he had filed petitions to set aside the abatement caused due to the death of the sole respondent and also to bring on record his legal heirs.

5.Registry is directed to number the said petitions, if the papers are otherwise in order and list the same for hearing.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

1. The II Additional District Judge, Tiruchirappalli
2. The Sub Judge, Karur.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 22/07/2020

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RESTORATION

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CMP(MD) . No.4719 of 2019 in
S.A.No.258 of 2000

Giving direction and etc.
as stated within.

KK(29.07.2020) 2P 4C