



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Ninth day of October Two Thousand and Twenty

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PRESENT

The Hon'ble Mr. Justice M. GOVINDARAJ

CMP(MD). No.4061 of 2020

in

S.A.No.259 of 2003

Kasthuri

...Petitioner/Appellant

Vs

1 K. Neelamegam Rep. by Power Agent Kulandaisamy

2 K. Neelamegam

3 Krishnan

4 Chandran

5 Baskaran

...Respondents/Respondents

Prayer in CMP(MD). No.4061 of 2020 :-

Civil Miscellaneous Petition filed under Order XL3 Rule 19 of Civil Procedure Code, praying this Court to restore the second appeal in S.A No. 259 of 2003 which was dismissed for non-prosecution dated 26.09.2008.

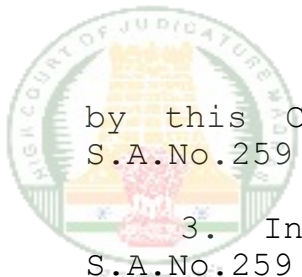
Prayer in S.A.No.259 of 2003 :

Second Appeal filed under Section 100 of Civil Procedure Code against the judgment and decree dated 01.07.2002 made A.S.No.16 of 2001 on the file of the Additional District Judge - cum - Chief Judicial Magistrate, Sivagangai, confirming the judgment and decree dated 09.08.1999 made in O.S.No.104 of 1998 on the file of the Subordinate Judge, Devakottai.

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.J.Anandakumar, Advocate for the Petitioner and of Mr.C.Jeyaprakash, Advocate for the 1st Respondent, this Court made the following order:

This petition has been filed to restore S.A.No.259 of 2003, which was dismissed for non prosecution on 26.09.2008.

2. The learned counsel appearing for the petitioner submitted <https://hcs.eas.com/govnet/cse/vies/> has complied with the conditional order passed



by this Court, dated 06.08.2020 in CMP(MD).No.4165 of 2017 in S.A.No.259 of 2003 and he has also filed a Cost Memo that effect.

3. In view of the same, this petition is allowed and S.A.No.259 of 2003 is restored to file.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1 The Additional District Judge - cum -
Chief Judicial Magistrate, Sivagangai.

2 The Subordinate Judge, Devakottai.

Copy to:

1 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai
(To Restore the Second Appeal)

2 The Section Officer, VR Section, (2 copies)
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 09/10/2020

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RESTORATION
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CMP(MD) . No.4061 of 2020
IN
S.A.No.259 of 2003

Giving direction and etc.
as stated within.

VB (16.10.2020) 2P 6C