



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

Thursday, the Third day of December Two Thousand and Twenty
PRESENT

The Hon'ble Mr. Justice M. GOVINDARAJ
CMP(MD).Nos.5316 to 5318 of 2020

in

S.A.(MD).No.905 of 2013

GANDHI

...PETITIONER IN ALL PETITIONS

Vs

1 MUNIYANDI (DIED)

2 KANJANA

3 BALAMURUGAN

...RESPONDENTS IN ALL PETITIONS

Common Prayer in CMP(MD).No.5316 to 5318 of 2020:-

Civil Miscellaneous Petitions are filed under Order 41 Rule 19 of Civil Procedure Code, praying this Court to restore the applications in C.M.P. (MD). Nos. 12015 to 12017 of 2018 which has been dismissed for default order dated 27.08.2019 for nonpayment of batta.

Prayer in CMP(MD).No.12015 of 2018 :

Civil Miscellaneous Petitions filed under Section 5 of Limitation Act, praying this Court to condone the delay of 805 days in filing the petition to set aside the abatement caused due to the death of the sole respondent in above S.A.(MD)No.905 of 2013.

Prayer in CMP(MD).No.12016 of 2018 :

Civil Miscellaneous Petition filed under Order XXII Rule 9 of Civil Procedure Code, praying this Court to set aside the abatement caused due to the death of the sole respondent in the above SA(MD) No.905 of 2013.

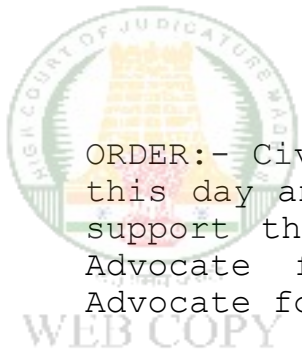
Prayer in CMP(MD).No.12017 of 2018 :

Civil Miscellaneous Petition filed under Order 22 Rule 4 of Civil Procedure Code, praying this Court to bring on record Respondents 2 & 3/Proposed Respondents 2&3 herein as LR's of the deceased sole appellant and rank them as respondents 2 & 3 in the above S.A.(MD) No.905 of 2013.

Prayer in S.A.(MD).No.905 of 2013 :

Second Appeal filed under section 100 of Civil Procedure Code, praying this Court to set aside the judgment and decree dated 24.10.2013 made in A.S.No.125 of 2012 on the file of the Subordinate Judge, Sivagangai, partly reversing the judgment and decree dated 01.10.2012 passed in O.S.No.50 of 2012 on the file of the District

<https://hmc.myscourts.gov.in/home.aspx>



ORDER:- Civil Miscellaneous Petitions are coming upon for hearing on this day and upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Mr.AL Kannan, Advocate for the Petitioner and of M/s. Sreenivasa Raghavan, Advocate for the respondent(s), this Court made the following order:

The present petitions have been filed to restore the applications in C.M.P.(MD)Nos.12015, 12017 and 12016 of 2018, which were dismissed for default on 27.08.2019, for non-payment of batta respectively.

2. Heard the submissions made on either side.

3. Without prejudice to the rights of the petitioner/appellant to agitate the locus of the proposed respondents, these Petitions are ordered as prayed for and C.M.P.(MD)Nos.12015, 12016 and 12017 of 2018, are restored to file.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

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

Copy to:

- 1 The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.(2C)

- 2 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.

[Office is directed to print the name of Mr.S.Srinivasa Raghavan as the counsel for the proposed respondents, while listing the matter for hearing]

ORDER DATED : 03/12/2020

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Restoration

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CMP(MD).Nos.5316 to 5318 of 2020

in

S.A.(MD).No.905 of 2013

Giving direction and etc.
as stated within.

NS (CO)

<https://hservices.courts.gov.in/hservices> SP 6C