



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

Wednesday, the Twenty Third day of September Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMP (MD) No.4605 of 2020

IN

SA (MD) No.905 of 2013

GANDHI

... PETITIONER/PETITIONER/APPELLANT

Vs

1 MUNIYANDI (DIED)

... 1st RESPONDENT

2 KANJANA

3 BALAMURUGAN

... RESPONDENTS 2&3/RESPONDENTS 2&3/
PROPOSED RESPONDENTS 2&3
(LEGAL HEIRS OF DECEASED SOLE
RESPONDENT MUNIYANDI)

Prayer in CMP(MD) No.4605 of 2020 in SA(MD) No.905 of 2013:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 181 days in filing the application to restore the application in C.M.P.(MD).No.12017 of 2018, which is dismissed for default by order dated 27-08-2019.

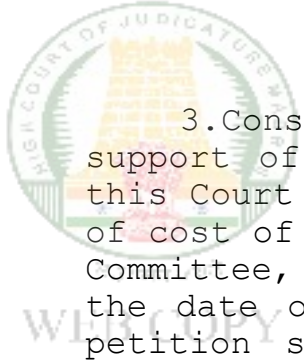
Prayer in SA(MD) No.905 of 2013:

Second Appeal filed under Section 100 of C.P.C., pleaded to set aside the Judgment and decree dated 24.10.2013 in A.S.No.125 of 2012 on the file of the learned Subordinate Judge, Sivagangai partly reversing the Judgment and Decree dated 01.10.2012 in O.S.No.50 of 2012 on the file of the learned District Munsif, Sivagangai.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.VR.SHANMUGANATHAN, Advocate for the petitioner, the court made the following order:-

Heard.

2.This petition has been filed by the petitioner seeking to condone the delay of 181 days in filing a petition to restore the application in C.M.P(MD)No.12017 of 2018, which was dismissed for default on 27.08.2019.



3. Considering the reasons stated in the affidavit filed in support of the petition and also considering the length of delay, this Court is inclined to allow this petition subject to the payment of cost of Rs.500/- (Rupees five hundred only) to the Legal Services Committee, attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without any further reference to this Court.

4. This petition is accordingly ordered.

5. In the event of payment of cost, Registry is directed to number the restoration petition, if the papers are otherwise in order and list the same for hearing.

sd/-
23/09/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SUBORDINATE JUDGE, SIVAGANGAI.
2. THE DISTRICT MUNSIF, SIVAGANGAI.

COPY TO:-

THE AUTHORIZED OFFICER,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CMP(MD) No.4605 of 2020
IN
SA(MD) No.905 of 2013
Date :23/09/2020