



WEB COPY

CMP(MD). No.6742 of 2019

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

Thursday, the Nineteenth day of November Two Thousand and Twenty
PRESENT

The Hon'ble Mr. Justice M. GOVINDARAJ
CMP(MD). No.6742 of 2019

in
SA(MD). No.668 of 2009

Chinniah ...Petitioner/Appellant

Vs

1 Manickam (Deceased Sole Respondent)
2 Chandra
3 Amutha
4 Jeya
5 Vijaya

...Respondents 2 to 5/LR's
of the deceased sole respondent

Prayer in CMP(MD). No.6742 of 2019 :-

Civil Miscellaneous Petition filed under Order XLI Rule 19 of Code of Civil Procedure, praying this Court to set aside the order of dismissal dated 26.08.2014 made in S.A(MD)No.668 of 2009.

Prayer in SA(MD).No.668 of 2009 :

Second Appeal filed under section 100 of Civil Procedure Code, praying against the decree and Judgment dated 15.12.2008 passed in A.S.24 of 2008 on the file of the Principal District Court, Madurai confirming the decree and Judgment dated 19.12.2005 passed in O.S.172 of 2004 on the file of the District Munsif, Madurai.

ORDER:- Civil Miscellaneous Petition coming upon for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.N.Govardhanan, Advocate for the Petitioner, this Court made the following order:

The present Civil Miscellaneous Petition has been filed to set aside the order of dismissal dated 26.08.2014, passed in S.A.(MD) No.668 of 2009.

2. Heard.

3. This Court, while condoning the delay of 1743 days in re-presenting the petition to set aside the order of dismissal dated 26.08.2014 in C.M.P.(MD)No.6071 of 2019, imposed a cost of Rs.5,000/- [Rupees Five Thousand only] payable to the Creche and Women's Welfare Society, Women Lawyer's Association.

<https://hcmca.org.in/>



4. It is submitted that the said conditional order has been complied with.

5. Being satisfied with the reasons stated in the affidavit filed in support of the Civil Miscellaneous Petition and also taking into account the compliance of the conditional order dated 16.10.2020 in C.M.P.(MD)No.6071 of 2019, this petition is ordered and the Second Appeal is restored to file.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Principal District Judge, Madurai.
- 2 The District Munsif, Madurai.

Copy to

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

ORDER DATED : 19/11/2020

=====
Restoration
=====

CMP(MD). No.6742 of 2019
in
SA(MD).No.668 of 2009

Giving direction and etc.
as stated within.

VB (26.11.2020) 2P 6C