



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Fourth day of November Two Thousand and Twenty

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PRESENT

The Hon'ble Mr. Justice M.GOVINDARAJ

CMP(MD). No.10189 of 2019

in

SA(MD).No.686 of 1998

1. Nagoor Gani (Died)
2. Bharsha Beevi
3. N.Yakat Ali
4. N.Mansoor Ali
5. N.Thajudeen
6. S.Kalandhar Beevi
7. N.Shakila Banu

...Petitioners/Appellants

Vs

Arumugham

...Respondent/Respondent

Prayer in CMP(MD). No.10189 of 2019 :-

Civil Miscellaneous Petition filed under Order 41 Rule 19 of Civil Procedure Code, praying this Court to restore the readmit the appeal dismissed for default on 6.10.2017.

Prayer in SA(MD).No.686 of 1998 :

Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree on the file of the Principal District Judge, Pudukkottai, passed in A.S.No.159 of 1996 dated 05.11.1997 insofar as it is against the grant of alternative relief is concerned, modifying the decree and judgment dated 26.07.1996 passed in O.S.No.371 of 1993 on the file of the Subordinate Judge, Pudukkottai.

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.N.Balakrishnan, Advocate for the Petitioners and of Mr.S.Balasundaram, Advocate for the respondent, this Court made the following order:

The present petition has been filed to restore the Second Appeal in S.A.No.686 of 1998, which was dismissed for non-prosecution on 06.10.2017.



2. Heard the submissions made on either side.

3. Having been satisfied with the reasons stated in the affidavit filed in support of the Civil Miscellaneous Petition, this Petition is allowed and the Second Appeal is restored to file.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1 The Principal District Judge, Pudukkottai.

2 The Subordinate Judge, Pudukkottai.

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 : 24/11/2020

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Restoration

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CMP(MD). No.10189 of 2019
in

SA(MD).No.686 of 1998

Giving direction and etc.
as stated within.

VB (04.12.2020) 2P 6C