



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Twenty Fourth day of July Two Thousand and Twenty

WEB COPY

PRESENT

The Hon'ble Mrs. Justice J.NISHA BANU

CMP(MD). No.12389 of 2019

in

S.A. (MD). No.967 of 2010

S.Saravanan

...Petitioner/Appellant

Vs

1 S.Padmavathy Ammal

2 State of Tamilnadu, by its District Collector,
Tirunelveli District.

3 The Assisitant Director, Khadi Handloom Department,
Palayamkottai, Tirunelveli District.

4 Sankaravadivu

5 Gopalasamy

6 Shanmugathai

...Respondents/Respondents

Prayer in CMP(MD). No.12389 of 2019:-

Civil Miscellaneous Petition filed under Order 41 Rule 19 of Civil Procedure Code, praying this Hon'ble Court to restore the Second Appeal in S.A. No. 967 of 2010, which was dismissed for default on 12.04.2019.

Prayer in SA(MD).No.967 of 2010 :

Second Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 16.04.2009 made in A.S.No.28 of 2008 on the file of the Principal Subordinate Court, Tenkasi, confirming the Judgment and Decree dated 22.01.2008 made in O.S.No.52 of 2005 on the file of the District Munsif Court, Sengottai.

ORDER:-

Civil Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. R.J.Karthik, Advocate for the Petitioner, this Court made the following order:



Heard.

This petition has been filed by the petitioner seeking to set aside the dismissal order dated 12.04.2019 and restore S.A(MD) No.967 of 2010, which was dismissed for non-prosecution, on 12.04.2019.

3. Being satisfied with the reasons stated in the affidavit filed in support of the petition, the dismissal order, dated 12.04.2019, passed in S.A(MD)No.967 of 2010 is set aside and S.A (MD)No.967 of 2010 is restored to file.

4. This petition is ordered accordingly.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The Principal Subordinate Judge,
Tenkasi
- 2 The District Munsif, Sengottai.

Copy to:

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

ORDER DATED : 24/07/2020

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RESTORED

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CMP(MD) . No.12389 of 2019

in

S.A.(MD).No.967 of 2010

Giving direction and etc.

as stated within.

SMA/14/08/2020/2P/6C