



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand and Twenty
PRESENT

The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

CMP(MD). No.12162 of 2017

in

S.A.No.1754 of 1997

1 Pachammal (Died)
2 Narayana Vadivu Ammal (Died)
3.S.A.C.Syed Mohammed
4 N.K.Muthu Ashiya Ummal Haja ...Petitioners/Proposed Appellants

Vs

Sri Balavinayagar (Deity) Koil,
Thoothukudi, Through its Executive Officer,
Sivan Koil Street, Thoothukudi. ...Respondent/Respondent

Prayer in CMP(MD). No.12162 of 2017:-

Civil Miscellaneous Petition filed under Order 41 Rule 19 of Civil Procedure Code, praying this Court to restore the above Second Appeal to the file of this Court which was dismissed for default on 30/07/2010.

Prayer in S.A.No.1754 of 1997 :

Second Appeal filed under section 100 of the Civil Procedure Code, against the judgment and decree dated 15.09.1997 on the file of the Principal District Judge, Tuticorin reversing the judgment and decree dated 21.09.1994 in O.S. No.469/1993 on the file of the Principal District Munsif, Tuticorin.

ORDER:-

Civil Miscellaneous Petition coming up for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.P.Senthil, Advocate For the 4th Appellant (In Main Case) and of M/s.Ajmal Association, For 3rd Appellant (In Main Case), this Court made the following order:

This Civil Miscellaneous Petition is filed to restore S.A.No.1754 of 1997, which was dismissed for default on 30.07.2010.

2. Despite printing the name of the respondent in the cause-list, none appears for the respondent.

3. In the interest of justice, this Civil Miscellaneous Petition is allowed and the second appeal is restored to file.



4. Post the second appeal on 07.04.2020, for final disposal.

Sd/-

Assistant Registrar (CSIII)

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/ /2020

Sub Assistant Registrar(CS)

To

- 1 The Principal District Judge, Tuticorin
- 2 The Principal District Munsif, Tuticorin

Copy to

- 1 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.
(Post the Main Case on 07.04.2020 for Final Disposal)
- 2 The Record Keeper, VR Section,
Madurai Bench of Madras High, Madurai.

ORDER DATED : 17/03/2020

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Restoration

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CMP(MD). No.12162 of 2017

in

S.A.No.1754 of 1997

Giving direction and etc.
as stated within.

KB(20.11.2020) 2P 5C