



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Tenth day of January Two Thousand and Twenty

PRESENT

The Hon'ble Mr. Justice R. SUBRAMANIAN

CMP(MD). No.11345 of 2019

in

SA(MD).No.SR24216 of 2019

S.Raja

... Petitioner/Petitioner/Appellant

Vs

1 Chittammal

2 Murugan

3 Chellaiah

4 Alagarsamy

5 Thothan

6 Mannar

7 Chinnammal

8 Ezhumalai

... Respondents/Respondents

Prayer in CMP(MD). No.11345 of 2019 :-

Civil Miscellaneous Petition is filed under Order 41 Rule 19 read with section 151 of Civil Procedure Code, praying this Hon'ble Court to set aside the order of dismissal passed by this Honourable Court in CMP(MD)No.8080 of 2019 in SA(MD)SR.No.24216 of 2019 dated 06.11.2019 and to restore the same.

Prayer in CMP(MD)No.8080 of 2019 :

Civil Miscellaneous Petition is filed under section 5 of Limitation Act, praying this Hon'ble Court to condone the delay of 2214 days in filing the Second Appeal.

Prayer in SA(MD).No.SR24216 of 2019 :

Second Appeal is filed under section 100 of the code of Civil Procedure against the judgment and decree dated 31.01.2013 made in A.S.No.32 of 2011 on the file of the Subordinate Court, Theni, partly allowed the judgment and decree dated 01.04.2011 passed in O.S.No.138 of 2007 on the file of the District Munsif Court, Andipatti with respect to the S.No.1357/4 with an extent of 2 Acre 53 Cents as described in 1st Item of suit property.



ORDER:-

Civil Miscellaneous Petition is 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.K.Sureshkumar, Advocate for the Petitioner and of Mr. K.Hemakarthiskeyan, Advocate for the 11th respondent, this Court made the following order:

Accepting the reasons assigned in the affidavit filed in support of this petition, the order dated 06.11.2019 dismissing CMP (MD)No.8080 of 2019 in SA(MD)SR.No.24216 of 2019 is set aside and CMP(MD)No.8080 of 2019 will stand restored to file.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The Subordinate Judge, Theni.
- 2 The District Munsif, Andipatti.

Copy to:

The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 10/01/2020

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RESTORATION

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CMP(MD). No.11345 of 2019

in

SA(MD).No.SR24216 of 2019

Giving direction and etc.
as stated within.

SDS (24.01.2020) 2P-4C