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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
Friday, the Sixteenth day of October Two Thousand Twenty
PRESENT
The Hon`ble Mr.Justice R.MAHADEVAN
CMP(MD)No.11914 of 2019
in
S.A. (MD)No. 499 of 2019

P.Thavasi

... **Petitioner/Appellant**

/ VERSUS /

1 Rajasekaran
2 Pommuraj
3 Suganya

... **Respondents/Respondents**

Civil Miscellaneous Petition filed under ORDER 41 RULE 19 AND SECTION 151 OF CIVIL PROCEDURE CODE, praying this Court to pass an order to restore the case in SA(MD)No.499 of 2019 on the file of this Honourable Court which was dismissed for default on 19.11.2019 and thus render justice.

PRAYER IN S.A. (MD)No. 499 OF 2019:

Second Appeal filed under Section 100 of Civil Procedure Code, preferred against the judgment and decree passed in A.S.No. 25 of 2016 on the file of Additional District and Sessions Court, Theni, dated 07.06.2019 confirming the judgment and decree passed in O.S.No. 6 of 2015 on the file of the Subordinate Court, Uthamapalayam, dated 11.08.2015.

ORDER:- This Civil Miscellaneous Petition coming upon for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.C.M.Ganesan, Advocate for the Petitioner and of Thiru.M.Natarajan, Advocate for the Respondents, this Court made the following order:

This Civil Miscellaneous Petition has been filed to restore the Second Appeal in S.A(MD)No.499 of 2019, which was dismissed for non-prosecution on 19.11.2019.

2. When the matter is called, there is no representation on behalf of the petitioner.

3. The learned counsel appearing for the respondents submitted that subsequent to the filing of this Civil Miscellaneous Petition, the Second Appeal in S.A(MD)No.499 of 2019 has been disposed of on 02.09.2020 by the trial Court and delivery was effected on 21.03.2020.



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4. In such view of the matter, this Civil Miscellaneous Petition has become infructuous and nothing survives before this Court for adjudication and hence, the same is dismissed as infructuous.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TO

1. The Additional District and Sessions Court, Theni.
2. The Subordinate Court, Uthamapalayam.

Copy to:

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

ORDER DATED : 16/10/2020

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ORDER

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CMP (MD) No. 11914 of 2019

in

S.A. (MD) No. 499 of 2019

Giving direction and etc.
as stated within.

AP (29.10.2020) 2P 4C