



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Twenty Third day of September Two Thousand and Twenty
PRESENT

The Hon'ble Mrs. Justice J. NISHA BANU

CMP (MD) . No.12367 of 2019

in

SA No. 338 of 2003

Mangalathammal

... Petitioner/Appellant

Vs.

- 1 Vadamalai,
S/o.Sathiah, Melaseethai Village,
Ramanathapuram Taluk and District.
- 2 Neelamegam,
S/o.Sathiah, Melaseethai Village,
Ramanathapuram Taluk and District.
- 3 The State of Tamil Nadu,
Through the District Collector,
Collectorate Complex, Ramanathapuram.
- 4 The Tahsildar,
Vandikara Street,
Ramanathapuram.

... Respondent/Respondent

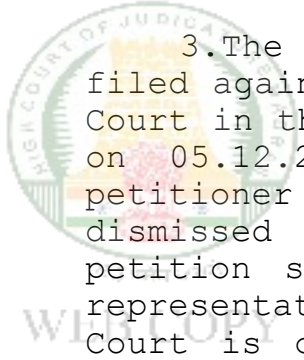
Prayer :- Petition is filed to restore the S.A.No.338 of 2003, which was dismissed for default on 05.12.2019.

Prayer in S.A.338 of 2003: This Second Appeal is filed under Section 100 of Civil Procedure Code, to set aside the judgment and decree dated 24.9.2002 made in A.S.No.2/2002 passed by the Principal District Judge, Ramanathapuram reversing the judgment and decree dated 30.11.2001 made in O.S.No.85/1997 passed by the principal District Munsif, Ramanathapuram.

ORDER:- This Second Appeal coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. V.Raghavachari, for the respondent and petitioner not appeared either person or Advocate, this Court made the following order:

This petition has been filed by the petitioner/appellant seeking to set aside the dismissal order, dated 05.12.2019, made in S.A.No.338 of 2003, which was dismissed for non-prosecution.

<https://hcservices.ecourts.gov.in/hcservices/> 2. Though the petitioner / appellant appeared through a counsel, today there is no representation on behalf of the petitioner.



3.The suit is of the year 1997. This second appeal has been filed against the judgment and decree passed by the first appellate Court in the year 2003. When the second appeal came up for hearing on 05.12.2019, there was no representation on behalf of the petitioner / appellant and therefore, this second appeal was dismissed for default. Thereafter, the petitioner filed this petition seeking to restore the second appeal. As there is no representation on behalf of the petitioner / appellant today, this Court is of the view that no useful purpose would be served in keeping the matter pending. It is needless to say that it is the duty of the party to approach the counsel and to follow the proceedings. It appears that the petitioner is not interested in prosecuting the matter further.

4.In view of the above, this petition is dismissed for non-prosecution.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal District Judge, Ramanathapuram.
2. The Principal District Munsif, Ramanathapuram.
3. The District Collector, Collectorate Complex,
Ramanathapuram,
4. The Tahsildar, Vandikara Street, Ramanathapuram.

Copy to:

The Section Officer, V.R.Section(Records),
Madurai Bench of Madras High Court,
Madurai.(2)

ORDER DATED : 23/09/2020

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ORDER

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CMP(MD) . No.12367 of 2019

Dismissing for default the above petition for restore the S.A.338/2003 which was dismissed for default on 05.12.2019 etc., as stated within.