



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Fifth day of August Two Thousand and Twenty

PRESENT

The Hon'ble Mrs.Justice J.NISHA BANU

CMP(MD) . No.12366 of 2019

in

S.A. (MD) .No.416 of 2005

1 Karuppayee Ammal
2 Duraipandi
3 Sivaraman
4 Rajendran
5 Pandiammal

...Petitioners/Appellants

Vs

Sarasu Ammal

...Respondent/Respondent

Prayer in CMP(MD) . No.12366 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.416 of 2005 which was dismissed for non-appearance dated 03.12.2019.

Prayer in S.A. (MD) .No.416 of 2005:

Second Appeal filed under Section 100 CPC against the Judgment and Decree dated 03.12.2003 made in A.S.No. 26 of 2003 on the file of the Principal Subordinate Judge, Madurai, confirming the Judgment and Decree dated 27.11.2022 made in O.S.No.200 of 2001 on the file of the District Munsif Melur.

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.P.T.S.Narendravasan, Advocate for the Petitioners and of Mrs. P.Jessi Jeeva Priya, Advocate for the respondent, this Court made the following order:

This petition has been filed by the petitioners seeking to restore the above second appeal, which was dismissed for non prosecution on 03.12.2019.



2. The learned counsel appearing for the respondent has no serious objection in allowing this petition.

3. In view of the above and also considering the reason stated in the affidavit filed in support of the petition, this petition is ordered and the second appeal is directed to be restored to file.

4. Registry is directed to list the second appeal for final hearing in the usual course.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1 The Principal Subordinate Judge, Madurai.
- 2 The District Munsif, Melur.

Copy to

- 1 The Record Keeper, VR Section, Madurai Bench of Madras High Court, Madurai. (2 Copies)
- 2 The Section Officer, Judicial Section, Madurai Bench of Madras High Court, Madurai. (For information)

ORDER DATED : 05/08/2020

=====

RESTORED

=====

CMP(MD). No.12366 of 2019

in

S.A.(MD).No.416 of 2005

Giving direction and etc.
as stated within.

SDS (19.08.2020) 2P-6C