



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 01ST DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No.3349 of 2021

in

C.S.No.94 of 2009

Dr.K.Ponnuraju,
S/o.Periakrishnan,
Plot.No.2797, Y-Block, 6th Street,
12th Main Road, Anna Nagar,
Chennai 40.

... Applicants/Plaintiff

-Versus-

G.Muruganadam,
S/o.B.Govindasamy,
No.45, E-4, Vellalar Street,
Mogapair West, Chennai 37.

2. R.Kiron,
S/o.K.N.Ramakrishnan,
Old No.62, New No.28, AI Block,
5th Street, Anna Nagar, Chennai 40.

3. The Manager,
M/s.Bharat Overseas Bank,
4035, V-Block, 4th Main Road,
Anna Nagar Branch, Chennai 40.

4. The Manager,
Lakshmi Vilas Bank,
AB-5, Second Avenue,
Anna Nagar Branch, Chennai 40.

... Defendants/Respondents



Application praying that this Hon'ble Court be pleased to set aside the order of dismissal dt.08.02.2017 in C.S.No.94/2009 and restore the above suit.

This Application coming on this day before this Court for hearing, the Court made the following order:

This application has been filed to set aside the order of dismissal dated 08.02.2017 in C.S.No.94 of 2009 and restore the above suit.

2.The plaintiff is a purchaser of a share in the suit property from one of the co-sharers. He has now laid a suit for partition. The counter filed by the 4th defendant states that it is an unnecessary party to the litigation.

3.The suit is dismissed for default and this application is filed to restore the same along with the application to condone the delay in taking out this application.

4.The 2nd defendant has not filed any counter, whereas, the 4th defendant has filed its counter, which has already been noted and now it has only taken an appeal that it is not a necessary party to the litigation.



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5. In the substantial interest of justice, this application is allowed. The suit is restored and taken on file.

6. The matter is now posted before the learned Additional Master No. II, for trial. The plaintiff is directed to appear before the learned Additional Master No. II, on 08.11.2021.

Sd./-NSSJ.
01.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

jj 06/10/2021