



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Fifteenth day of December Two Thousand and Twenty One

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE R. VIJAYAKUMAR

CMP(MD) .Nos.9792 and 9794 of 2021

in

SA.876 of 2001

M. Durai ... Petitioner/Appellant

Vs

1.Lourdu Matha (Died)

2.Muthaiah,

3.Esakky Durai

... Respondent/Respondent

4.Stephen,

5.Allbert

... Respondent 4 and 5/

Proposed Respondents 4 and 5

Prayer in CMP(MD) . 9792/ 2021 :

Pleased to condone the delay of 930 days in filing the application for Restoration of S.A. No. 876 of 2001 as against the 1st Respondent.

Prayer in CMP(MD)No.9794 of 2021:-

This petition is filed under order 41, Rule 19 of C.P.C. to restore the S.A. No. 876 of 2001 as against the 1st respondents which was dismissed on 09.07.2018 and pass such further or other orders as this Honourable Court may deem fit and proper under circumstances and thus render justice.

Prayer in SA.876 of 2001:-

Second Appeal filed under section 100 of C.P.C., against the Judgment and Decree of the Additional Sub Judge, Tenkasi passed in A.S.No.36/1999 dated 15/9/2000 confirming the Judgment and Decree of the District Munsif, Tenkasi passed in O.S.No.100/1993 dated 11/3/1999.

ORDER:- This Petitions 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 Thiru. S.Ramesh, Advocate for the Petitioner, this Court made the following order:



C.M.P(MD)No.9792 of 2021 has been filed to condone the delay of 930 days in filing the application for restoration of S.A.No.876 of 2001 as against the first respondent and C.M.P(MD)No.9794 of 2021 has been filed to restore the S.A.No.876 of 2001 as against the first respondent which was dismissed on 09.07.2018.

2. Being satisfied with the reasons stated in these affidavits filed in the support of these petitions, these Civil Miscellaneous Petitions are allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1.The Additional Sub Judge,
Tenkasi

2.The District Munsif,
Tenkasi

Copy to:

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

ORDER DATED : 15/12/2021

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ORDER

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CMP(MD) .Nos.9792 and 9794 of 2021
in
SA.876 of 2001

Giving direction and etc.
as stated within.

PS (CO)
GC(29.12.2021) 2P 4C