



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Friday, the Sixteenth day of April Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CMP(MD) . No.5351 of 2019
in
SA.No.1321 of 1999

1 Subbiah(Died) ...Deceased 1st Appellant
2 Mallaiyaswamy
3 Periya Ganapathi
4 Chinna Ganapathi ...Petitioners 1 to 4 / Appellants 2 to 4
(1st Appellant died, as per recorded in the Court order dated 04.02.2019)

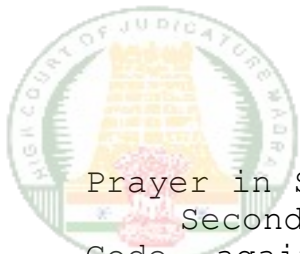
Vs

1 Palaniammal
2 Chinnammal @ Subbammal
3 Guruvammal
4 Perumal Nayakkar
5 Mallaya Swamy
6 Vellammal
7 Valliyammal
8 Marriyammal
9 Mallammal
10 Azhagammal
11 Azhagarswamy
12 Periya Azhagarswamy
13 Chinna Azhagarsamy
14 Vellappan
15 Subburaj
16 Ganapathiammal

...Respondents No.1 to 16 /Respondents No.1 to 16
(6th Respondent, dismissed vide Court order dated 05.04.2021)

Prayer in CMP(MD) . No.5351 of 2019 :-

Civil Miscellaneous Petition is filed under Order 41 Rule 19 of Civil Procedure Code, praying this Hon'ble Court to set aside the order dated 04.02.2019 made in SA No.1321 of 1999 dismissing the second appeal for non prosecution and restore the above second appeal and decide the same on merits.



Prayer in SA.No.1321 of 1999 :

Second Appeal is filed under section 100 of Civil Procedure Code, against the judgement and decree dated 10.7.1998 and made in A.S.No.130 of 1995 on the file of the Additional Sub Court, Srivilliputhur confirming the judgment and decree dated 14.11.1994 made in O.S.No.60 of 1987 on the file of Additional District Munsif Court, Srivilliputhur.

ORDER:-

Civil Miscellaneous Petition 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.M.Sudharani, Advocate for the Petitioner, this Court made the following order:

This Petition has been taken out for restoring the Second Appeal that was dismissed for default.

There is no representation on the side of the respondents.

It is seen that the restoration petition was filed within time.

Hence, this petition is allowed.

Post on 07.06.2021.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

- 1 The Principal District Judge,
Srivilliputhur at Virudhunagar District.
- 2 The Additional District Munsif,
Srivilliputhur, Virudhunagar District.
- 3 The Additional Subordinate Judge,
Srivilliputhur



Copy to:

- 1 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai
(To list the matter on 07.06.2021)
- 2 The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai (+2copies)

ORDER DATED : 16/04/2021
HEARING DATE : 07/06/2021

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Restoration
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CMP(MD) . No.5351 of 2019
in
SA.No.1321 of 1999

Giving direction and etc.
as stated within.

NS (CO)
TR(27.04.2021) 3P 7C