



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Monday, the Ninth day of August Two Thousand and Twenty One

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PRESENT

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

CMP(MD) . No.5994 of 2021

in

SA(MD) .No.385 of 2014

1. J.Kannan
2. J.Rajaguru
3. J.Jayachandran
4. J.Aravind
5. Jayasundari

...Petitioners / Appellants

Vs.

City Benefit Fund, Kumabakonam,
Rep. by its Managing Director,
Vijayaraghavan.

...Respondent/Respondent

Prayer in CMP(MD) . No.5994 of 2021 :-

Civil Miscellaneous Petition is filed under section 151 of Civil Procedure Code, praying this Hon'ble Court to set aside the order of dismissal for default dated 17.06.2021 in S.A.No.385 of 2014 and restore the said Second Appeal.

Prayer in SA(MD) .No.385 of 2014:

Second appeal filed under Section 100 of C.P.C., to set aside the decree and judgment passed in A.S.No.4 of 2010 on the file of the I Additional District and Sessions Judge(PCR), Thanjavur dated 30.03.2011 confirming the decree and judgment passed in O.S.No.103 of 2005 on the file of the Principal Sub Court, Kumbakonam dated 05.10.2009.

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 M/s.AL. Gandhimathi, Advocate for the Petitioner, this Court made the following order:

I am satisfied with the reasons set out in the affidavit filed in support of this petition.



This petition is allowed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

To

1. The I Additional District and Sessions Judge(PCR),
Thanjavur.
2. The Principal Sub Judge, Kumbakonam.

Copy to :

- 1 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.
- 2 The Record Keeper, V.R.Section, (2C)
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 09/08/2021

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Restoration

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CMP(MD). No.5994 of 2021

in

SA(MD).No.385 of 2014

Giving direction and etc.

as stated within.

KB(12.08.2021) 2P 6C