



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Fifth day of October Two Thousand Twenty One

PRESENT

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

CMP(MD). No.6719 of 2021

in SA(MD).449 of 2010

WEB COPY

1. Karuppaiah
2. Krishnamoorthy ... Petitioners/Appellants

Vs

Palaniyammal ... Respondent/Respondent

Prayer in CMP(MD). 6719 of 2021 :

This Civil Miscellaneous Petition filed under order 9 rule 9 of C.P.C., praying this Court to set aside the order dated 12.07.2021 in S.A.(MD).No.449 of 2010 dismissed for non prosecution and restore the same.

Prayer in SA(MD). 449/ 2010 :

This Second appeal filed under Section 100 of C.P.C., against the judgment and Decree in A.s.No.15 of 2006 dated 11.10.2007 on the file of the Principal District Judge, Pudukkottai reversing the Judgment and Decree in O.S.No.130 of 2002 dated 12.09.2005 on the file of the Subordinate Judge, Pudukkottai.

ORDER:- This 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.R.Paranjothi, Advocate for the Petitioners and of MR.M.KARTHIKEYA VENKATACHALAPATHY, Advocate for the respondent, cost paid on 08.10.2021 and memo filed on behalf of the Appellant in USR No.23149 on 20.10.2021 this Court made the following order:

This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. This petition is allowed subject to the condition that the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) towards cost to the credit of Madurai Bench of Madras High Court Advocates Welfare Fund Trust in current A/c. No.7087208431, Indian Bank, Madurai Bench of Madras High Court Branch, IFSC : IDIB000H040, within a period of one week.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE PRINCIPAL DISTRICT JUDGE, PUDUKKOTTAI.
2. THE SUBORDINATE JUDGE, PUDUKKOTTAI.
3. THE SECTION OFFICER, JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
(FOR RECALL THE CASE AND POST THE MATTER)

COPY TO

1. THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND TRUST,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE SECTION OFFICER, V.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI. (2 COPIES)

ORDER DATED : 05/10/2021

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ORDER
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CMP(MD) . No.6719 of 2021
in SA(MD) .449 of 2010

Giving direction and etc.
as stated within.

KB(26.10.2021) 2P 7C