



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Fifth day of January Two Thousand and Twenty One

PRESENT

The Hon'ble Mr. Justice N. SATHISH KUMAR

CMP(MD). No.10097 of 2019
IN
AS(MD) No. 306 OF 2008

P. Jayalakshmi : Petitioner/Appellant

Vs.

1. J. Gajalakshmi

2. R. Maheswari

3. J. Venugopal

4. J. Balaji

5. J. Bhuvaneswari

: Respondents/ Respondents

Prayer in CMP(MD). No.10097 of 2019:- This petition filed under Order 41 Rule 17 (1) R/W 19 of CPC to set aside the order passed in A.S. No. 306/2008 dated 28.04.2017 on the file of this Court and readmit and rehear the appeal and thus render justice.

Prayer in AS(MD). 306/ 2008 : This Appeal filed under Section 96 of the Code of Civil Procedure to set aside the Judgment and Decree passed on 18.12.2007 by the learned First Additional District Judge, Trichy, in O.S.No.251 of 2004.

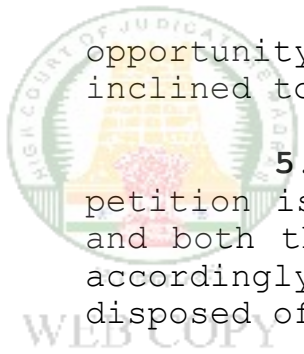
ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.D.Saravanan for M/s.T.Sathya Selvi, Advocate for the Petitioner and of Mr.K.K.Senthil, Advocate for the respondents, this Court made the following order:

This application has been filed to set aside the judgment passed by this Court made in A.S.No.306 of 2008, dated 28.04.2017.

2. It is the contention of the petitioner that this Court dismissed the above said appeal without hearing the appellant herein and decided the appeal on merits. Hence, the appellant prays before this Court to set aside the judgment passed by this Court and wants to rehear the appeal.

3. There is no serious objection on the other side.

4. Admittedly, this Court has disposed of the appeal on 28.04.2017 and considered the entire documents even though there was no appearance on the side of the appellant. In such view of the matter, this Court is of the view that in order to give fair



opportunity to the parties to agitate their rights, this Court is inclined to allow this petition.

5. As there is no serious objection on the other side, this petition is ordered and A.S.(MD).No.306 of 2008 is restored to file and both the parties are ready and willing to argue the matter and accordingly argued the matter today itself and the Appeal is disposed of today (i.e., 05.01.2021).

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The First Additional District Judge,
Trichirapalli.

Copy to: The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2)

+1cc to M/s.T.Sathiya Selvi, Advocate, SR.No.413.
+1cc to Mr.K.K.Senthil, Advocate, SR.No.47.

ORDER DATED : 05/01/2021

=====
ORDER
=====

CMP(MD) . No.10097 of 2019
IN
AS(MD) NO. 306 OF 2008

Giving direction and etc.
as stated within.

SV2 (CO)
CS(21.01.2021) 2P 6C