



CMA(MD)No.1154 of 2009

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.M.A(MD) No.1154 of 2009

1.Aloy A.Kattar
2.Nevil A.Kattar

... Appellants/Petitioners/Plaintiffs

-Vs-

1.Rex Fernando
2.S.Arputham
3.Fathima Fernando
4.Maria Sebastiammal

... Respondents/Respondents/
Defendants

PRAYER: Civil Miscellaneous Appeal is filed under 43 Rule 1(C) of Civil Procedure Code against the fair order and decreetal order passed in I.A.No.330 of 2008 in O.S.No.24 of 2004 dated 03.02.2009 on the file of the Principal District Judge, Thoothukudi.

For Appellants : Mr.Ananth C.Rajesh



CMA(MD)No.1154 of 2009

WEB COPY

J U D G M E N T

This Civil Miscellaneous Appeal is filed to set aside the order passed in I.A.No.330 of 2008 in O.S.No.24 of 2004 dated 03.02.2009 on the file of the Principal District Judge, Thoothukudi.

2. The suit in O.S.No.24 of 2004 was dismissed for default on 11.09.2008. To restore the suit on file, the abovesaid Interlocutory Application was filed. After hearing both sides and taking note of the repeated default committed by the plaintiffs, the learned Principal District Judge, Thoothukudi, has declined to restore the suit on file and dismissed the restoration application by order dated 03.02.2019. Challenging the same, the present Civil Miscellaneous Petition is filed before this Court.

3. On a perusal of records, it is seen that after filing of the present Appeal, the appellant has not taken steps to serve notice on the respondents 2 and 4 and therefore, the appeal was dismissed as against them on 14.02.2012. This Court finds that service is not effected.



CMA(MD)No.1154 of 2009

WEB COPY

4. Even today, when the matter is taken up for hearing, the learned counsel for the appellant states that there is no instructions from his clients. Recording the same, this Civil Miscellaneous Appeal is dismissed. No costs.

Index : Yes / No
Internet : Yes / No
CM

21.12.2022

To,

1. The Principal District Judge, Thoothukudi.
2. The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CMA(MD)No.1154 of 2009

DR.G.JAYACHANDRAN,J.

CM

C.M.A(MD) No.1154 of 2009

21.12.2022