



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CMP (MD) No.2052 of 2022
IN
SA (MD) No.273 of 2021

K.MOOKKAI AH

... APPELLANT/APPELLANT/PLAINTIFF

Vs

1 R.THANGARAJ
2 C.VELLAICHAMY
3 C.MOOKAIAH
4 S.THANGAVEL
5 S.BALAMUTHU
6 T.SELVARAJ

... RESPONDENTS/RESPONDENTS/DEFENDANTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order dated 20-01-2022 wherein S.A.No.273 of 2021 was dismissed for non prosecutio and restore the same.

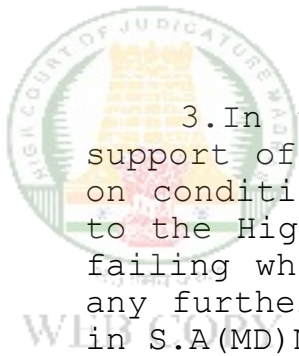
Prayer in SA(MD) . 273/ 2021 :

To set aside the Decree and Judgment passed in AS No.17 of 2017 on the file of Principle District Court, Pudukottai dated 29.03.2019 confirming the decree and judgment passed in OS No.220 of 2009 dated 11.08.2017 on the file of the Sub Court, Pudukkottai by allowing this Second appeal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.BAALASUNDHARAM, Advocate for the petitioner and of MR.M.SUBASH BABU on behalf of the 1st Respondent, the court made the following order:-

This Civil Miscellaneous Petition is filed to restore the appeal, which was dismissed for non prosecution on 20.01.2022, to file.

2.Heard the learned counsel appearing for the petitioner and the learned counsel for the first respondent.



3. In view of the reasons stated in the affidavit filed in support of the miscellaneous petition, this petition stands allowed on condition to pay a sum of Rs.1,000/- (Rupees One Thousand only) to the High Court Legal Service Authority, on or before 08.04.2022, failing which, this petition stands dismissed automatically without any further reference to this Court. Accordingly, the second appeal in S.A(MD) No.273 of 2021 is restored to file.

sd/-

29/03/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
PUDUKKOTTAI.

2 THE SUBORDINATE JUDGE,
PUDUKKOTTAI.

COPY TO

THE OFFICER INCHARGE,
HIGH COURT LEGAL SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CMP (MD) No.2052 of 2022

IN

SA(MD) No.273 of 2021

Date : 29/03/2022

RS/VR/SAR.4 (01.04.2022) 2P-4C