



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
CIVIL APPELLATE JURISDICTION**

**FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY TWO
PRESENT**

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CMP(MD) . NO.4417 OF 2021

IN

SA NO.1938 OF 1999

1. Palaniappan (Died)
2. Periyamankudi
3. Nalliah
4. Mayandi
5. Kulanthian
6. Murugan

... Petitioners/Appellants

Vs

- 1.Mayandi,
- 2.Sathappan (Died)
- 3.Selvi,
- 4.M.Parkavi,
- 5.Suganya,
- 6.Shanthi,

... Respondents/Respondents

(R3 to r6 are Brought on record as Lr's of the deceased 2nd
Respondent vide order dt 03/11/2017 made in MP(MD) 1 TO 3/2012)

Prayer :- CMP(MD)No.4417/2021

Civil Miscellaneous petition filed under section 41, Rule 19 of CPC to set aside the judgment dated 22.01.2021 in SA.No.1938 of 1999 dismissed for non prosecution and restore the same and thus render justice.

Prayer :- SA.No.1938 of 1999

Second Appeal is filed under section 100 of the Civil Procedure Code, against the judgment and decree made in A.S.No.83 of 1998 on the file of Additional District Judge cum Chief Judicial Magistrate at Pudukkottai dated 15.07.1998 confirming the judgment and decree made in O.S.No.100 /1989 on the file of the District Munsif Court at Aranthangi dated 12.08.1993

ORDER:- This 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 Mr.K.Baalasundharam, Advocate for the Petitioner and of Mr.M.R.S.Prabhu for First Respondent, this Court made the following order:

This petition is filed to restore the second appeal in S.A.No.1938 of 1999, which was dismissed for default on 22.02.2021.



2. Being satisfied with the reasons stated in the supporting affidavit, this petition is ordered and the second appeal is restored to file.

3. The Registry is directed to list the second appeal for final disposal on 03.03.2022.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1.The Additional District Judge cum
Chief Judicial Magistrate
Pudukottai.

2.The District Munsif, Aranthangi.

Copy to:

1.The Section Officer,
Judicial Section,
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 : 18/02/2022
LIST ON : 03/03/2022

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Restore

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CMP(MD) . No.4417 of 2021
in
SA NO.1938 of 1999

Giving direction and etc.
as stated within.

srr(CO)
GC(01.03.2022) 2P 6C