



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.2010 of 2022 IN

SA(MD) No.276 of 2021

WEB COPY

K.MOHAMED ISSAC

... PETITIONER/APELLANT

Vs

N.S.MAHALINGAM

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order restoring the appeal which was dismissed for default for `non-prosecution` on 13.12.2021 to file.

Prayer in SA(MD) . 276/2021 :

To allow the appeal setting aside the decree and judgment passed by the Learned II Additional Subordinate Judge, Tiruchirapalli dated 26.07.2019 in A.S.No.103/2016 by allowing the appeal and decreeing the suit in O.S.No.1275/2014 on the file of the learned I Additional District Munsif, Tiruchirapalli dated 13.04.2016.

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.M.KANAGASABAI, Advocate for the petitioner, the court made the following order:-

This Civil Miscellaneous Petition is filed to restore the appeal, which was dismissed for default on 13.12.2021, to file.

2.Heard the learned counsel appearing for the petitioner.

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.276 of 2021 is restored to file.

sd/-

29/03/2022

/ TRUE COPY /

/ /2022

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



TO

1. THE II ADDITIONAL SUBORDINATE JUDGE,
TIRUCHIRAPALLI.

2. THE I ADDITIONAL DISTRICT MUNSIF,
TIRUCHIRAPALLI.

COPY TO :

THE OFFICER IN-CHARGE,
HIGH COURT LEGAL SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. **(SOFT COPY)**

ORDER
IN
CMP (MD) No.2010 of 2022
IN
SA(MD) No.276 of 2021
Date :29/03/2022

ns
USK/PN/SAR-IV/01.04.2022/2P/3C