



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction**

Friday, the Eleventh day of March Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

**CMP(MD) . No.8958 of 2021
in
SA.No.813 of 2001**

1.K.Radha

2 K.Kaviha ... Petitioners/Appellant

Vs

1 V.Natarajan (Died),

2 Indian Overseas Bank,
Rep by its Branch Manager Thanjavur.

3 State Bank of India,
Rep by its Branch Manager Thanjavur.

4 Indian Bank
Rep by its Branch Manager Junction Branch
Thanjavur.

5 The Post Master
Head Post Office Thanjavur

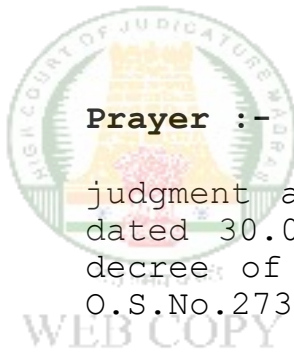
6 N.Rajendran,

7 V.Neelavathi,

8 N.Rathina Sabapathi, ... Respondents/Respondents

Prayer :-CMP(MD) . No.8958 of 2021

Civil Miscellaneous petition filed under order 41 Rule 19 of CPC set aside the dismissal order dated 16-02-2021 in S.A.No.813 of 2001 and restore the same on the file of this Hon`ble Court and thus render justice.



Prayer :- SA.No.813 of 2001

Second Appeal filed under section 100 of CPC against the judgment and decree of the Principal District Judge at Thanjavur, dated 30.08.2000 in A.S.No.35 of 1999 confirming the judgment and decree of the subordinate Judge at Thanjavur dated 28.01.1999 in O.S.No.273 of 1995.

ORDER:- This Civil 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.Govindarajan Advocate for the Petitioner and of Ms.Mr.R.Giridharan Advocate for the Second Respondent, and of Mr.M.Murugesan Advocate for the Third Respondent and of Mr.Pala Ramasamy Advocate for the Fourth Respondent, and of Mr.P.Palpandi Advocate for the Fifth Respondent, and of Mr.K.Vaithialingam Advocate for the Respondents 6 - 8 this Court made the following order:

The second appeal in S.A.No.813 of 2001 was dismissed for default on 16.02.2021. Therefore, this petition is filed to set aside the Judgment dated 16.02.2021 passed in S.A.No.813 of 2001 and to restore the second appeal.

2. The learned counsel appearing for the petitioner submits that in view of pandemic situation, all the cases were heard through video conferencing and due to poor internet connectivity, he could not connect with the link and argue the case.

3. Heard the learned counsel for the respondents.

4. This Court is satisfied with reasons stated in the affidavit filed in support of this petition. Accordingly, this petition is allowed and the appeal is restored to file.

5. Post the second appeal for final disposal on 22.03.2022.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1.The Principal District Judge, Thanjavur

2. The Subordinate Judge, Thanjavur



Copy to:

1. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

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2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai
(2 copies)

ORDER DATED : 11/03/2022

Hearing Date : 22/03/2022

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Restore
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CMP(MD) . No.8958 of 2021
in
SA.No.813 of 2001

Giving direction and etc.
as stated within.

RK(18/03/2022) 3P 6C