



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

Friday, the Twenty Fourth day of June Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

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CMP(MD) . No.3091 of 2022
in
A.S(MD) .NO.132 of 2018

1.K.Venkatesan
2.G.Praveen Vishnu
3.G.Ishwarya ... Petitioners/Appellants

Vs

1 Baby Girija
2 R. Karthic
3 Anitha
4 Lekha
5 C.R. Gopu Alias Gopalakrishnan
6 R. Srinivasan
7 R. Karthikeyan ... Respondents/Respondents

Prayer in C.M.P(MD) .NO.3091 of 2022 :-

This Civil Miscellaneous Petition is filed under Order 41 Rule 19 and Section 151 of the Civil Procedure Code to pass an order to restore the Appeal in A.S. (MD) No. 132 of 2018, which was dismissed for non-prosecution on 02.03.2022, to file and to be heard on merits after giving opportunity and thus render justice.

Prayer in A.S(MD) .NO.132 of 2018:-

This First Appeal is filed under section 41 Rule 1 and 2 of the Civil Procedure Code R/W section 151 of the Civil Procedure Code to set aside the decree and judgment dated 28/02/2018 passed in O.S.NO.175/2014 by V Additional District Judge, Madurai and thus render justice.

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 both the parties are not appeared either in person or through their counsels and this Court made the following order:

<https://hcservices.ecourts.gov.in/hcservices/>



When the appeal was listed under the caption 'for dismissal' on 02.03.2022, none appeared on behalf of the appellants. Therefore, the appeal was dismissed for non-prosecution. Subsequently, the appellants have filed this Civil Miscellaneous Petition to restore the appeal in A.S.(MD)No.132 of 2018 on file.

2.Today (24.06.2022), when the matter is taken up for hearing, none appeared on behalf of the petitioners, which clearly shows that the petitioners want to keep the appeal pending and do not want to appear before this Court and proceed with the appeal. They purposely allowed the appeal to be dismissed for default, subsequently, filed petition to restore or condone the delay in filing restoration petition. This is the tactics adopted in this Court and one way or other way the parties, who are enjoying the fruits of other sides, simply file an appeal and keep it as pending for years together. Therefore, this type of practice cannot be entertained, otherwise the purpose of this institution will be defeated.

3.Accordingly, this Civil Miscellaneous Petition stands dismissed for non-prosecution.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The V Additional District Judge,
Madurai.

Copy to:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai

+1CC to Mr.C.Godwin, Advocate(SR.No.27911)

ORDER DATED : 24/06/2022

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Restoration

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CMP(MD). No.3091 of 2022

in

A.S(MD).NO.132 of 2018

Giving direction and etc.

as stated within.



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