



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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

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PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CMP(MD) . No.8507 of 2021

in

AS (MD) .146 OF 2020

P.Ponnusamy ... Petitioner/Appellant

Vs

S.Soundara Rajan ... Respondent/Respondent

Prayer :-

Civil Miscellaneous Petition filed to set aside the order of dismissal for default dated 29.06.2021 passed in A.S.(MD)No. 146 of 2020, on the file of this Honourable Court and restore the same to file.

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 M/s. P.Jessi Jeeva Priya, Advocate for the Petitioner and of M/s. M.Solaisamy, Advocate for the respondent, this Court made the following order:

"This petition is filed to set aside the order of dismissed for default dated 29.06.2021 passed in A.S(MD).No.146 of 2020 and to restore the same.

2. The respondent did not file any objection.

3.The learned counsel for the petitioner submitted that since the appellant was undergoing some medical treatment, he could not contact his counsel.

4. In the interest of justice, I feel that an opportunity should be given by setting aside the order of dismissed for default dated 29.06.2021 passed in A.S(MD).No.146 of 2020. Accordingly, this petition is allowed on condition that the petitioner counsel shall pay a sum of Rs.1,000/- as cost.



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5. Accordingly, this petition is allowed and on the condition that the petitioner is to pay a sum of Rs.1,000/- (Rupees one Thousand only) as cost to the respondent within a period of two weeks from today."

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

THE SUB ASSISTANT REGISTRAR (A.E)
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI

Copy to:

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

ORDER DATED : 18/03/2022

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ORDER

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CMP(MD) . No.8507 of 2021

Giving direction and etc.
as stated within.

RD(29.03.2022) 2P 3C