



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

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

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CMP(MD).No.11287 of 2021 &
CMP(MD)SR.No.63366 of 2021
in
S.A(MD)No.215 of 2009

1.R.Thangadurai
2.T.Santhadevi ... Petitioners/Appellants 1 & 3

Vs

1.S.Mumthaj Begum
2.Nilabar Nisha
3.Sulthan Syed Ibrahim
4.Saibunnissa ... Respondents 1 to 4/Respondents
5.R.Shenbagarajan (Died) ...5th Respondent/2nd Appellant

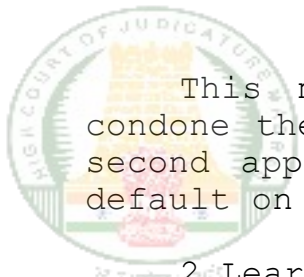
Prayer in CMP(MD)No.11287 of 2021 :- this Petition is filed under Section 5 of Limitation Act to condone the delay of 37 days in filing the restoration petition.

Prayer in CMP(MD)SR.No.63366 of 2021 :- Civil Miscellaneous Petition is filed under Order 9, Rule 9 of C.P.C., to restore the Second Appeal in SA(MD)No.215 of 2009 which is dismissed for default on 07.10.2021.

Prayer in SA(MD)No.215 of 2009:- Second Appeal filed under Section 100 of Civil Procedure Code, against the Judgment and Decree dated 21.02.2007 in A.S.No.62 of 2000 on the file of the Additional District Judge cum Fast Track Court No.IV, Periyakulam, confirming the Judgment and Decree dated 04.07.2000 in O.S.No.35 of 1997 on the file of the District Munsif Court cum Judicial Magistrate, Bodinayakanur.

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.H.Arumugam, Advocate for the Petitioner and 2nd to 4th Respondents not appeared either in person or by Advocate, this Court made the following order:-

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



This miscellaneous petition is filed by the petitioners to condone the delay of 37 days in filing the petition to restore the second appeal in S.A.(MD)No.215 of 2009, which was dismissed for default on 07.10.2021.

2.Learned Counsel for the petitioners represented that the first respondent died and his legal heirs, namely, respondents 2 to 4, are already brought on record.

3.There is no representation for the respondents.

4.Being satisfied with the reasons stated in the affidavit filed in support of the petition, this miscellaneous petition is allowed and the delay is condoned. The restoration petition, which is in SR stage, is also ordered and the second appeal is hereby restored.

List the second appeal on **18.04.2022**.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1.The Additional District Judge
cum Fast Track Court No.IV,
Periyakulam.

2.The District Munsif cum
Judicial Magistrate,
Bodinayakanur.

Copy to:

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

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



WEB COPY

ORDER DATED : 11/03/2022

=====

ORDER

=====

CMP (MD) .No.11287 of 2021 &
CMP (MD) SR.No.63366 of 2021
in
SA (MD) No.215 of 2009

Giving direction and etc.
as stated within.

ks (CO)
TR (22.03.2022) 3P 6C