



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Fifteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice R.KALAIMATHI

CMP(MD). No.16472 of 2023

in

SA(MD).No.166 of 2005

- 1. John Sekar**
- 2. Subbaraj (Died)**
- 3. Adhilakshmi**

... Petitioner/Appellants

Vs

**Laymens Evangelical Fellowship
Christian Mission (Reg. No.30/1962)
Door No.9B Nungambakkam High Road
Chennai.
Through its Power Agent
Ganaprakasam**

... Respondent/Respondent

Prayer :-

**Civil Miscellaneous petition filed under Order XLI Rule 19 of the Civil
Procedure code to Restore the SA No.166 of 2005 which was dismissed for default
on 01.12.2021.**



Prayer in SA.No.166 of 2005:

WEB COPY

Second Appeal filed under Section 100 of C.P.C against the Judgment and Decree dated 22.09.2004 made in A.S.No.23 of 2002, on the file of the learned Subordinate Judge, Aruppukottai, reversing the Judgment and Decree, dated 07.12.2001, made in O.S.No.16 of 2000 on the file of the learned District Munsif, Aruppukottai.

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.R.Rajamohan, Advocate for the Petitioners and of Mr. P.Natarajan, Advocate for the respondent, this Court made the following order:

This application is filed to restore the appeal which was dismissed for default on 01.12.2021. Already, a petition under Section 5 of Limitation Act to condone the delay of 147 days in filing restoration petition was ordered to be allowed on costs by order of this Court dated 09.11.2023.

2. The first petitioner / first appellant avers that after the death of the second appellant Subbaraj, there is no instructions from other appellant namely third appellant. Meanwhile, the appeal was dismissed for non-prosecution.

3. The learned counsel for the respondent strenuously objected this petition stating that bald reasons have been given in the affidavit.



WEB COPY

4. However, taking into account of the fact that during the Covid time, the appeal was taken up and dismissed and in order to advance cause of justice, the petition stands allowed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/12/2023

Sub Assistant Registrar(CS)

TO

1. The Subordinate Judge, Aruppukkottai.

2. The District Munsif, Aruppukkottai.

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 : 15/12/2023

=====

RESTORATION ORDER

=====

CMP(MD). No.16472 of 2023

in

SA(MD).No.166 of 2005

Giving direction and etc.

as stated within.

MK/27.12.2023 4P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023