



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Twentieth day of April Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) . No.481 of 2023
in
CMSA(MD)26 OF 2010

R.V.Shanmugasaravanan

... Petitioner/Appellant

Vs

S.Sujatha

... Respondent/Respondent

Prayer in CMP(MD) . No.481 of 2023:-

This Civil Miscellaneous Petition filed under order 41 Rule 19 of C.P.C., to Restore the order dated 06.06.2019 in C.M.S.A.(MD) . No.26 of 2010.

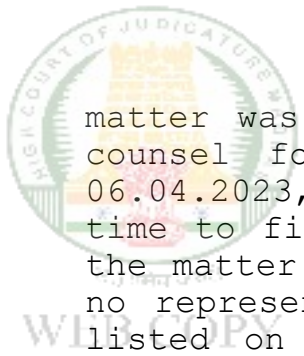
Prayer in CMSA(MD)No.26 of 2010:-

This Civil Miscellaneous Second Appeal filed under section 28 of Hindu Marriage Act., to prefer the Memorandum of Grounds of Civil Miscellaneous Second Appeal against the Judgment and Decree dated 18.03.2010 passed in H.M.C.M.A.No. 10/2007 on the file of I Additional District Judge, Tirunelveli, as reversing the Judgment and Decree 19.10.2006 passed in H.M.O.P.No. 118/2006 on the file of I Additional Subordinate Judge, Tirunelveli.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof Mr.K.N.Thampi, Advocate for the respondent, and for the Appellant no appearance either in person or by an Advocate this Court made the following order:

The present miscellaneous petition has been filed to restore C.M.S.A(MD)No.26 of 2010 which was dismissed for default on 06.06.2019.

2. Originally, this miscellaneous petition was listed on 09.03.2023 and there was no representation of the side of the petitioner. Therefore, it was posted on 14.03.2023 for dismissal. On the said day, the learned counsel for the appellant appeared and made submission that his client has got married during the pendency of the appeal and it was adjourned at the request of the learned counsel for the respondent for verifying the same. Thereafter, the



matter was listed on 24.03.2023 and at the request of the learned counsel for the appellant, it was adjourned to 06.04.2023. On 06.04.2023, the learned counsel appearing for the appellant sought time to file additional typedset of papers. Accepting his request, the matter was adjourned to 17.04.2023. On the same day, there was no representation on the side of the appellant. Therefore, it was listed on 18.04.2023 for dismissal and the said matter has not reached and it is listed again today under the caption "for dismissal". Even today, the learned counsel appearing for the petitioner is not ready to get along with the restoration application. Therefore, this court is constrained to dismiss the application for default.

3. Hence, this Civil Miscellaneous Petition stands dismissed for default.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

TO

1.I Additional District Judge, Tirunelveli

2.I Additional Subordinate Judge, Tirunelveli.

ORDER DATED : 20/04/2023

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ORDER

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CMP(MD) . No.481 of 2023

in

CMSA(MD) 26 OF 2010

Giving direction and etc.
as stated within.

MK/04.05.2023 2P 3C