



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

WEB COPY

Thursday, the Seventh day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.B. BALAJI

CMP(MD) No.15248 of 2023

IN

CRP(MD) No.2129 of 2019

S.SUDHA

... PETITIONER / PETITIONER

Vs

S.SAROJA

... RESPONDENT / RESPONDENT

Civil Miscellaneous Petition is filed under order 9 rule 9 of C.P.C., to set aside and restore the CRP(MD). No. 2129/2019, dismissed for non prosecution on 18.10.2023 on the file of this Honourable Court and thus render justice.

Prayer in CRP(MD). 2129/ 2019 :

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order made in I.A. No. 789 of 2018 in O.S. No. 493 of 2018 on the file of the 2nd Additional Sub Judge, Nagercoil,dated 30.09.2019.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.SELVAKUMARAN, Advocate for the petitioner and of Mr.M.P.Senthil, Advocate on behalf of the Respondent, the court made the following order:-

The application has been filed for restoring the civil revision petition to file, in view of the dismissal of the same for non prosecution on 18.10.2023.

<https://www.mhc.tn.gov.in/judis>



WEB COPY

2. I have gone through the affidavit filed in support of the said application and I am satisfied with the reasons assigned therein for non appearance before this court on the date of the civil revision petition being dismissed for non prosecution. Though the learned counsel for the respondent would submit that the reasons assigned in the affidavit are not satisfactory and the application does not merit consideration, I am of the view that the reasons stated in the affidavit, which resulted in dismissal of the civil revision petition, that the counsel was held in another court and before he could attend this court, the matter had been already called and dismissed for non prosecution.

3. I am of the view that the reason is acceptable and even from the order, it is seen that the revision was dismissed at 2.30 p.m., as there was no representation on the side of the petitioner. In view of the same, this petition is allowed. Registry is directed to list the Civil Revision Petition on 12.12.2023 for arguments.

Sd/-

Assistant Registrar(AD I)

// True Copy //

08/12/2023

Sub Assistant Registrar(CS)

TO

THE II ADDITIONAL SUBORDINATE JUDGE, NAGERCOIL.



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)

ORDER DATED : 07/12/2023

=====

RESTORED

=====

CMP(MD). No.15248 of 2023
in
CRP(MD).No.2129 of 2019

Giving direction and etc.
as stated within.

MK/08.12.2023 3P 5C

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