



CMP(MD) No.12499 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty First day of September Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD) No.12499 of 2023

IN

SA(MD) No.737 of 2012

S.MASUTHA BEGAM

... PETITIONER/ APPELLANT

Vs

THE CHRISTIAN EDUCATION HEALTH
AND DEVELOPMENT SOCIETY,,

REP BY ITS SECRETARY,

SHANTHIPURAM,

AMBILIGAI,

OTTANCHATHIRAM TALUK,

DINDIGUL DISTRICT.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to restore the above second appeal order passed in S.A.(MD)No.737 of 2012 dated 12-07-2016 dismissed for default and thus render justice.

Prayer in SA(MD). 737/ 2012 :

Second Appeal filed under section 100 of the code of Civil Procedure against the Judgement and decree dated 30.07.2012 made in A.S.No.10 of 2010 on the file of the Sub Court, palani confirming the judgement and decree dated 21.12.2009 made in O.S.No.256 of 2007 on the file of the District Munsif Court, Ottanchathiram.

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 M/S.T.ANTONY ARUL RAJ, Advocate for the petitioner and of MR.S.ANANDCHANDRASEKAR, Advocate on behalf of the Respondent the court made the following order:-



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This application has been filed to restore the second appeal in S.A.(MD).No.737 of 2012, which was dismissed for default on 12.07.2016.

2. The learned counsel appearing for the petitioner would submit that the appeal was taken up for hearing on 12.07.2016, under the caption for dismissal and at the time of calling, he was held up in another Court and he was not present. Therefore, this Court dismissed the appeal and his absence is neither wilful nor wanton. Hence, the present application has been filed to restore the appeal.

3. The learned counsel appearing for the respondent has no serious objection.

4. Considering the above facts, this application is ordered and the appeal is restored to file. Post the appeal for final hearing on 11.12.2023.

sd/-
21/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

akv



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- 1.THE SUBORDINATE JUDGE, PALANI
- 2.THE DISTRICT MUNSIF, OTTANCHATHIRAM.

COPY TO

THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.12499 of 2023
IN
SA(MD) No.737 of 2012
Date :21/09/2023

RK/GB (27/09/2023) 3P / 4C

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