



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Thirteenth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD). No.2876 of 2024

IN

SA(MD)NO.406 OF 2020

Neduncheziyan

... Petitioner/ Appellant

Vs

1 Durairajan
S/o.Subburayan

2 Chithra
W/o.Durairajan

... Respondents/ Respondents

Prayer in CMP(MD)No.2876 of 2024 :-

This Civil Miscellaneous Petition, to set aside the judgment dated 23-06-2023 made in S.A.(MD).No.406 of 2020 on the file of this Hon`ble Court and restore the same and thus render justice.

Prayer in SA(MD)No.406 of 2020:-

Second Appeal is filed under Section 100 of CPC to set aside the Judgment and decree dated 17.07.2020 passed in A.S.No.50 of 2019 on the file of the Additional Sub Judge, Kumbakonam confirming the Judgment and decree dated 15.11.2018 passed in O.S.No.412 of 2012 on the file of the learned Principal District Munsif, Kumbakonam.



ORDER:- This 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.P.T.Ramesh Raja, Advocate for the Petitioner and of Mrs.N.Krishnaveni, Senior Advocate for Mr.P.Thiyagarajan, for the respondents, this Court made the following order:

The Civil Miscellaneous Petition has been filed seeking orders to restore the S.A(MD)No.406 of 2020, on file, which was dismissed for non prosecution on 23.06.2023.

2. It is seen from the records that the petitioner's earlier application filed under Section 5 of the Limitation Act in C.M.P.(MD)No.11031 of 2023 was ordered to be allowed on 12.02.2024.

3. Considering the reasons assigned, this Court is inclined to allow the petition. Accordingly, this petition is allowed and the second appeal is restored to file.

Sd/-

Assistant Registrar(CO)

// True Copy //

/06/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

DAS

TO

1.The Additional Subordinate Judge,
Kumbakonam.



2. The principal District Munsif
Kumbakonam.

Copy to:

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

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

ORDER DATED : 13/06/2024

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RESTORATION
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CMP(MD). No.2876 of 2024
Giving direction and etc.
as stated within.

MK/25.06.2024 3P 6C

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