



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

WEB COPY

Friday, the Twenty Second day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD). No.3536 of 2024

in

SA(MD).NO.730 OF 2009

K.Singaravelu
S/o.Krishna Pillai
No.967 Sella Pillaiyarkoil Street
Karunthattangudi
Thanjavur - 613 002.

... Petitioner/ Appellant

Vs

1 Kalaiselvi
Represented by Her Sister
and Next Friend
L.Sathyanathan (Died) +
S.Nirmala
D/o.Late.L.Sathyanathan
T.S.No.2564 Sonjiappa Lane
South Main Street,
Thanjavur Town

... Respondent/ Respondent

Prayer in CMP(MD).No.3536 of 2024 :-

This Civil Miscellaneous Petition is filed Under Order 41 Rule 19 of C.P.C., to set aside the order passed in S.A(MD).No.730 of 2009 dated 25-01-2022, and to restore the appeal on the file of this Hon`ble Court and thus render justice.

Prayer in SA(MD).No.730 of 2009 :-

This Second Appeal filed Under Section 100 of C.P.C., against the Judgment and Decree, dated 28.02.2008 passed in A.S.No.49 of 2007, on the file of Principal District Court, Thanjavur, confirming the Judgment and Decree dated 14.06.2006 passed in O.S.No.149 of 2004 on the file of District Munsif Court, Thanjavur.



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.M.R.S.Prabhu, Advocate for the Petitioner and of Mr.N.Tamilmani, Government Advocate for the respondent, this Court made the following order:

This petition has been filed to restore SA(MD).No.730 of 2009, which was dismissed for non-prosecution on 25.01.2022.

2. Heard the learned counsel appearing for the petitioner and perused the affidavit filed in support of this petition.

3. The learned counsel appearing for the respondent has no serious objection to allow this petition.

4. Considering the reasons stated in the affidavit filed in support of this petition and that the learned counsel for the respondent has no serious objection to allow this petition, this Court is inclined to allow this petition. Accordingly, this Petition is allowed and SA(MD).No.730 of 2009 is restored to file.

5. Registry is directed to restore the SA(MD).No.730 of 2009 and list the matter on 28.03.2024.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/03/2024

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



To,

1. The Principal District Judge,
Thanjavur.

2. The District Munsif,
Thanjavur.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(For Posting the SA on 28/03/2024)

ORDER DATED : 22/03/2024

ORDER

CMP(MD). No.3536 of 2024

IN

SA(MD) NO.730 2009

Giving direction and etc.
as stated within.

MGJ(26.03.2024) 3P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023