

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA No. 6/2011 in CIVIL APPEAL NO(s). 5902 OF 2006

V.DURAI PANDI

Appellant (s)

VERSUS

MUTHU MARI CHETTIAR

Respondent(s)

(for restoration and office report)

Date: 27/01/2011 This Appeal was mentioned today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s) Mr. R. Anand Padmanabhan, Adv.
Mr. Prithvi Raj B.N., Adv.
Mr. R.V. Kameshwaran, Adv.

For Respondent(s) Mr. Sriram J. Thalapathy, Adv.
Mr. Adhimoolam, Adv.
Mr. S.P. Parthasarathy, Adv. for
Ms. N. Shoba, Adv.

UPON hearing counsel the Court made the following
O R D E R

Taken on board.

The application for restoration is allowed. The
Appeal is restored to its original number.

The Appeal is dismissed.

However, the appellant is granted nine months' time
from today to vacate the premises in question subject to
filing usual undertaking before this Court within six weeks
from today.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

IA No. 6 of 2011
in
CIVIL APPEAL NO(s). 5902 OF 2006

V.DURAI PANDI

Appellant (s)

VERSUS

MUTHU MARI CHETTIAR

Respondent(s)

Taken on board.

By order dated 21.01.2011 this Court had dismissed the Appeal in default since even on second call none appeared for the appellant to prosecute the Appeal.

For the reasons given in the application for restoration, the application for restoration is allowed. The Appeal is restored to its original number.

After having gone through the impugned judgment of the High Court of Madras dated 17.03.2005 and having perused the records, we are of the opinion that there is no infirmity in the impugned judgment of the High Court and hence it does not call for our interference. We order accordingly.

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Having no merit, the Appeal is dismissed accordingly.

However, the appellant is granted nine months' time from today to vacate the premises in question subject to filing usual undertaking before this Court within six weeks from today.

.....J.
(MARKANDEY KATJU)

.....J.
(GYAN SUDHA MISRA)

NEW DELHI
JANUARY 27, 2011.

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