

A.No.6883 of 2016
in O.P.No.346 of 2009

K.KALYANASUNDARAM, J.

Seeking to restore the Original Petition, which was dismissed for non-prosecution on 04.02.2016, this application has been filed.

2. Inspite of affording several opportunities, there is no representation on behalf of the respondents.

3. It is seen from the records that the original petition was filed in the year 2009 and when it was listed on 04.02.2016, there was no representation either on behalf of the petitioner or the counsel. Hence, the original petition was dismissed on 04.02.2016. It is further seen that this application to restore the Original Petition was listed on 03.01.2017 however there was no representation on behalf on either side. Hence, it was directed to be posted today under the caption "For Orders".

4. When the matter is taken up today for hearing, the learned counsel for the applicant would submit that the original petition was filed for issuance of letters of administration in favour of the petitioner

and on 04.02.2016, the learned counsel for the applicant/petitioner was not well and hence there was no representation and the OP was dismissed for non-prosecution. It is further submitted that when the present application was posted for hearing on 03.01.2017, the learned counsel for the applicant had requested her junior to represent the case however the same could not be represented and hence the matter is listed today. Since there is no contest by the respondent, she prays for allowing the application.

5. Considering the averments made in the affidavit filed in support of the application and the submissions made by the learned counsel for the applicant, this court is of the opinion that this application can be allowed on terms. Accordingly, O.P.No.346 of 2009 is ordered to be restored on payment of cost of Rs.25,000/- (Rupees Twenty Five Thousand only) to the "Parent Teacher Association Fund, Government Girls Higher Secondary School, Padirivedu [Bank Account No.1336101005703, Canara Bank, Madharapakkam, (IFSC Code No.CNRB0001336) Ph.No.7502594146) on or before 24/01/2017.

6. Post the application for reporting compliance on 25.01.2017.

10.01.2017

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K.KALYANASUNDARAM, J.

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