

C.M.P. No.11468 of 2020 in Tr.C.M.P. No.212 of 2020

T.RAJA,J.

The petition has been filed to restore the Tr.C.M.P. No.212 of 2020 which was dismissed for default on 04.09.2020 and to set aside the said order of dismissal.

2.In the affidavit filed in support of the petition, it has been stated that when the counsel for the petitioner had taken private notice to the respondent on 18.06.2020, the same was received by the respondent on 27.06.2020. But due to continuation of lock down, her counsel could not file the affidavit of service. While so, when the matter was taken up for hearing on 04.09.2020, her counsel could not make the representation through online due to network issues in her place. Subsequently, she came to know that the case was dismissed for non-prosecution.

3.Learned counsel appearing for the petitioner submitted that since the non-prosecution of the case is only due to the above circumstances, the order of dismissal be set aside and the Transfer Petition be restored to file.

T.RAJA,J.

vga

4.But this Court is unable to accept the submission made by the learned counsel appearing for the petitioner. The reason being that when the matter was listed on 22.07.2020, 29.07.2020, 05.08.2020 and 20.08.2020, there was no representation for the petitioner and therefore, this Court has given a final chance on 04.09.2020 to the petitioner to represent the case, but neither the petitioner nor the counsel for the petitioner represented on the said date. Since the petitioner has not shown any interest in prosecuting the case on the above hearings, this Court is not inclined to allow this petition. Accordingly, the petition is dismissed.

16.12.2020

vga

सत्यमेव जयते
WEB COPY

C.M.P. No.11468 of 2020 in Tr.C.M.P. No.212 of 2020