



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Nineteenth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mrs Justice S.KANNAMMAL

CMP No.3806 of 2021

IN AS.745/2010

1 K.SAMPATHKUMAR

[PETITIONERS]

2 S.VANAJA @ ALAMELU

Vs

K.SEKAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the appeal which was dismissed for default on 21/01/2021 in AS.No.745/2010 (in CMP.No.3806/2021 in AS.No.745/2010)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.ANANDAKUMAR, Advocate for the petitioner and of MR.MURALI Advocate on behalf of the Respondent the court made the following order:-

[Order of the Court was made by M.M.SUNDRESH, J.]

This petition has been filed seeking to restore the appeal which was dismissed for default on 21.01.2021.

2. Learned counsel appearing for the petitioners submitted that there is no delay in filing the petition and, therefore, one more opportunity may be given.

3. Learned counsel appearing for the respondent submitted that the appeal is of the year 2010 and even on the earlier occasion, there was no representation warranting the order of dismissal.

4. Though we are not satisfied with the conduct of the



petitioners who not only did not appear before the Court but have the habit of changing the lawyers, taking into consideration the fact that the petition has been filed on time and particularly the statement made by the learned counsel for the petitioners that he is ready to argue the appeal, we are inclined to allow this petition on condition that the petitioners pay a sum of Rs.3000/- to the learned counsel for the respondent within a period of two weeks from today, failing which, the petition shall stand dismissed automatically.

5. This miscellaneous petition stands ordered accordingly and A.S.No.745 of 2010 is ordered to be restored.

6. Taking into consideration the fact that the appeal is pending for more than a decade, Registry is directed to post the appeal for final hearing on 08.09.2021.

-sd/-

19/08/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE III ADDITIONAL DISTRICT JUDGE,
PONDICHERRY.

Order

in
CMP.3806/2021

in
AS.745/2010

Date :19/08/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 31/08/2021