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C.M.P. No. 2357 of 2021 in
C.R.P. No. 4249 of 2018

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C.R.P.No.4249 of 2018

T.V.THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to set aside the order dated 29.07.2020 dismissing the above Civil Revision Petition for non-prosecution.

2. Mr.T.Saikrishnan, learned counsel for revision petitioner submitted that the above C.R.P. came for admission on 04.01.2019 and notice ordered to the respondents and adjourned to 07.02.2019. Thereafter, the matter was not listed till January 2020, however, the petitioner got return of bundle along with change of vakalat from the earlier counsel on 25.01.2020 and taking steps to engage a new counsel. In the meanwhile, due to Covid-19 pandemic, he was not in a position to travel to Chennai and engage a new counsel. During the end of December 2020, the petitioner engaged the present counsel on record to contest the above C.R.P. However, due to non-appearance on behalf of petitioner, the C.R.P. was dismissed for non-prosecution and the same is neither willful nor wanton. Now, he has filed the above petition to restore the above C.R.P.



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3. Mr. Karthik Ranganathan, learned counsel for 1st respondent appeared and submitted that this is the third time, the tenant purposely allowed the above C.R.P. for default. Because of this, they could not enjoy the fruits of decree. Hence, he raised objections in allowing this petition.

4. Considering the fact that in the year of 2008, R.C.O.P. was filed by the tenant and as per the submissions of learned counsel that there was a compromise between the tenant and landlord, to reach the finality, this Court is inclined to allow this petition and to restore the Civil Revision Petition.

08.11.2022

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C.M.P.No.2357 of 2021
in
C.R.P.No.4249 of 2018

08.11.2022