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C.M.P.No.12973 of 2021 in
C.R.P. No. 1840 of 2019

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to set aside the order dated 17.08.2020 dismissing the above Civil Revision Petition for non-prosecution.

2. Mr.S.Shanmugam, learned counsel for revision petitioner submitted that during the pendency of the suit proceedings, the entire property was sold by other sharers, in which, except the Revision Petitioners, other sharers agreed to sell the property by way of auction and the 6th respondent Kalaimani herein is the auction purchaser of the property. So, they have given up respondents 1 to 5 and want to proceed only against contesting 6th respondent herein. Hence, with regard to respondents 1 to 5, they are given up as per the submissions made by the Revision Petitioners and so far as 7th respondent is concerned, notice was already served and 7th respondent name was also printed in the cause list, but nobody appeared on behalf of 7th respondent.



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3. On perusal of records, it seems that the above Civil Revision Petition was dismissed for non-prosecution during Covid-19 period. Now, to restore the same, the present Civil Miscellaneous Petition has been filed stating that they are having valid defence to contest the alleged sale made by other sharers, who are aged about 83 years and they are residing in the suit property, however, they are having valid defence in the proceedings. Hence, they prayed to restore the present Civil Revision Petition.

4. On considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit is justifiable one, this Court is inclined to allow this petition and to restore the Civil Revision Petition.

5. Post the matter on 29.09.2022.

27.09.2022

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