



WEB COPY



CMP.No.3756 of 2022

CMP.No.3756 of 2022
in
CMP.No.6017 of 2020

S.S.SUNDAR.J.,

This petition is filed to restore the petition in CMP.No.6017 of 2020 in Rev.Appl.SR.No.9221 of 2020.

2. The brief facts that are necessary to dispose of this application are as follows:

i) The petitioners are the appellants in S.A.No.705 of 2019. The said second appeal came to be dismissed on merits after hearing the petitioners/appellants as well as the respondent, by judgment dated 08.07.2019. Thereafter, the petitioner filed a Review Application with a delay. Hence, in order to condone the delay of 31 days in filing the Review Application, they filed CMP.No.6017 of 2020.

ii) A learned Judge of this Court, after finding that there was no representation for the petitioners on several occasions, dismissed the condone delay petition for non prosecution, by order dated 06.01.2021.



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Therefore, in order to set aside the order dated 06.01.2021, the present petition is filed.

3. In the affidavit filed in support of this petition, the petitioners have not given any reason or cause for their non appearance on various dates when CMP.No.6017 of 2020 was posted before this Court. Strangely, the petitioners in their affidavit has stated that the case was posted for hearing on 06.01.2021 and that it was behind the back of the petitioners. Therefore, the petitioners were unable to know the exact date of last hearing.

4. However, from the docket sheet, it is seen that the condone delay petition was filed on 13.02.2020 and there was no representation when the matter was listed on 19.11.2020. Thereafter also, the petitioner or his counsel did not appear and petitioner not represented by anyone when it was listed on 04.01.2021 and 05.01.2021 and hence, on 06.01.2021, it was listed under the caption "for dismissal". Even though several opportunities were given to the petitioners, none appeared for them. Hence, this Court recorded "no representation" on all occasions and ultimately by order dated 06.01.2021, dismissed the condone delay petition. Consequently, Rev.Appl.No.9221 of 2020 was rejected.



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5. This Court is unable to find any reason to set aside the order and restore the CMP.No.6017 of 2020, as the petitioners have not given any reason for their non appearance on several occasions. It is to be noted that the petitioners have blamed somebody without naming anyone including the Court as if the orders were passed behind their back.

6. For want of bonafide reasons, this Court is unable to entertain this petition. Accordingly, this petition is dismissed.

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pvs



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