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CMP.No.5730 of 2022

in

S.A.No.236 of 2013

C.V.KARTHIKEYAN, J.

This Civil Miscellaneous Petition has been filed to restore the Second Appeal which had been dismissed on 19.06.2015 for non-prosecution.

2.A perusal of the record shows, on that particular date, there was no appearance of the counsel and therefore, the Second Appeal had been dismissed for non-prosecution. There was also delay in filing this particular application and the said delay had been condoned by an earlier order of the Court. It is stated that the counsel who was originally on the record Mr.S.Purushotham Dass had unfortunately expired and therefore, the appeal could not be prosecuted. A further perusal of the record shows that the Second Appeal had not yet been admitted. The appellants are the defendants in a suit filed by the respondent herein / temple seeking recovery of possession.



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smv

3.A decree has now ennured to the respondent / plaintiff. The learned counsel who appears on behalf of the respondent may inform whether any Execution Petition has been filed or whether possession has been taken after the Second Appeal had been dismissed.

4.At any rate, let me restore the Second Appeal to file. This Civil Miscellaneous Petition is allowed.

5.List the Second Appeal for advancing arguments on 26.07.2022.

04.07.2022

smv

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