



CMP.No.8521/2019 in SA.No

C.V.KARTHIKEYAN, J.,

The present petition has been filed seeking to restore the Second Appeal which had been dismissed for non appearance of the counsel on 11.02.2019.

2.The plaintiffs in OS.NO.103/2003 on the file of the learned District Munsif-cum-Judicial Magistrate, Denkanikottai, are the appellants herein. A perusal of the record would show that the appeal has not been admitted and notice alone has been directed to the respondents. However, since the learned counsel did not appear, it was dismissed for non prosecution on 11.02.2019. It would be only appropriate that the appellants are given an opportunity to put forth their case before this Court.

3.Therefore, viewed from that particular angle, the order dated 11.02.2019 is interfered with and the above Miscellaneous Petition is **ordered** and SA.No.519/2008 is restored on file.

4.It is informed by the learned counsel for the appellants that the 1st appellant had died. But, perusal of the cause title reveals that the appellants 2 and 3 are the sons of the 1st appellant. Therefore, there cannot be an issue of abatement.

5.Learned counsel for the appellants to advance arguments regarding admission of the Second Appeal. For such purpose, list the matter once again on **01.07.2022 under the caption "For Admission."**

24.06.2022

AP

Internet : Yes