



WEB COPY



1

**CMP.No.10408 of 2022**  
**in**  
**SA.No.1633 of 2008**

**KRISHNAN RAMASAMY, J.,**

This Civil Miscellaneous Petition has been filed seeking to set aside the order of dismissal dated 06.04.2022 and restore SA.No.1633 of 2008.

2.Heard Mr.J.R.K.Bhavanantham, learned counsel for the petitioners/appellants and Mr.N.K.Siva Kumar, learned counsel for the first respondent. Sofar as respondents 2 to 11 are concerned, they were already given up in the appeal.

3.The learned counsel for the petitioners/appellants has submitted that since his name was not printed in cause list, he could not appear before this Court on that day, when the appeal was dismissed for default, i.e. on 06.04.2022 and hence, he would urge this Court to set aside the said order.

1/3



**KRISHNAN RAMASAMY, J.,**

**dn**

4.The learned counsel for the first respondent has reported no objection in allowing this petition.

5.Considering the submissions made by the learned counsel for the petitioners/appellants and also being satisfied with the reasons stated in the affidavit filed in support of this petition and as no objection was reported by the learned counsel for 1<sup>st</sup> respondent, this Court is inclined to allow this petition.

6.Accordingly, this Civil Miscellaneous Petition is allowed and the order of dismissal dated 06.04.2022 is set aside and S.A.No.1633 of 2008 is restored to file.

7.List the second appeal for final hearing on 23.12.2022.

28.11.2022

dn

**CMP.No.10408 of**

2/3



WEB COPY

