



C.M.P.No.8469 of 2022
in S.A.No.1606 of 2011

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KRISHNAN RAMASAMY, J.,

This petition has been filed by the petitioners/appellants seeking to set aside the dismissal order and restore the Second Appeal in S.A.No.1606 of 2011, which was dismissed for non-prosecution on 01.04.2022.

2.The learned counsel appearing for the petitioners/appellants would submit that the Second Appeal was listed on 01.04.2022 under the caption “For Dismissal”. Since the learned counsel was caught under traffic on that day, he could not reach the court to represent the case and the Second Appeal was dismissed for non-prosecution on 01.04.2022. He would further submit that the delay is neither willful nor wanton and prayed to allow the present petition.

3.The learned counsel appearing for the respondents/respondents would submit that the he has no objection in allowing the present petition. He would further submit that the 2nd respondent is no more and he will produce the



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KRISHNAN RAMASAMY, J.,

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details of the 2nd respondent's legal representative to the learned counsel appearing for the petitioners/appelants.

4.Considering the submissions made by the learned counsel appearing for both the parties and in the interest of justice and to give fair adjudication, the present petition is allowed as prayed for.

5.Post the Second Appeal on 14.11.2022 to implead the legal representatives of the 2nd respondenti.

29.09.2022

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