



CMP.No.12156 of 2021
in SA.No.1358 of 2007

Krishnan Ramasamy, J.,

The second appeal has been dismissed owing to non-appearance of the learned counsel for the appellants, on 10.01.2020.

2. The present application has been filed to restore the above Second Appeal No.1358 of 2007.

3. In the affidavit filed in support of the above petition, it has been stated that the learned counsel for the appellants was unaware of the fact that the matter was listed on 10.01.2020 due to the reason that his name was not printed in the cause list and only the name of the erstwhile counsel was printed in the cause list, consequently, the learned counsel for the appellants could not appear before this Court and the second appeal was dismissed for non-prosecution on 10.01.2020.

4. In view of the fact that appeal has been admitted and substantial questions of law has been framed, duty is cast on the Court to hear both the learned counsel for the appellant and respondent on merits.

5. Therefore, this Court is satisfied with the reasons stated in the affidavit filed in support of the petition and the submission of the learned counsel for the petitioners/appellants that the non-appearance was only due to the name printed in the cause list of the erstwhile counsel instead of the present counsel, this petition stands allowed.

6. Post the matter on 20.09.2022.

07.09.2022

Sni



WEB COPY

Krishnan Ramasamy



Sni

CMP.No.12156 of 2021
in SA.No.1358 of 2007

07.09.2022