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C.M.P.No.11182 of 2022
in W.A.No.449 of 2022

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THE HON'BLE ACTING CHIEF JUSTICE
and
D.KRISHNAKUMAR, J.

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This application has been filed by the applicant to restore the writ appeal, which was dismissed for non-prosecution on 27.6.2022.

2. Learned counsel appearing for the applicant submitted that when the writ appeal was listed on 27.6.2022, due to personal inconvenience, both the senior counsel and the counsel on record could not reach this Court on time and since there was no representation on side of the applicant, this Court dismissed the writ appeal for non-prosecution. Learned counsel would submit that the non-appearance of the counsel on 27.6.2022 is neither willful nor wanton and only due to the aforesaid reason. The applicant has fit case and is likely to succeed in the appeal. Thus, a prayer is made to set aside the order dated 27.6.2022 and restore the writ appeal on file.



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3. Learned counsel appearing for the respondents 1 and 2 have not seriously opposed the application.

4. Satisfied with the reasons stated in the affidavit filed in support of the application and considering the submissions made by learned counsel appearing for the applicant and also no objection has been raised by learned counsel appearing for the respondents 1 and 2, the application is allowed and the writ appeal is ordered to be restored on file.

(T.R., ACJ.) (D.K.K.,J.)
28.09.2022

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