



C.M.P.No. 13044 of 2022

in

S.A. No. 893 of 2013

T.V. THAMILSELVI, J.

This petition has been filed seeking to set aside the order dated 23.04.2015 dismissing the above Second Appeal for non-prosecution.

2. Mr.M.Venkatesan, learned counsel for petitioner/appellant submitted that though they have taken proper steps in time as per the order of this court, their absence during the year 2015 before this court is neither wilful nor wanton but, only the petitioner's then counsel on record did not follow the case properly and now for filing some additional documents, the present counsel was engaged and it is listed for hearing. However, due to non-appearance of appellant side on 23.04.2015, it was dismissed for default. On coming to know about the same, he has filed the above petition to restore the above S.A.

4. Mr.R.Asokan, learned counsel appearing for respondent appeared and submitted that he has no objection for allowing this petition.

5. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit filed in support of the petition seeking to restore the Second Appeal, this Court is inclined to allow this petition and to restore the second appeal.

08.08.2022

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