



C.M.P.No.18744 of 2021
in A.S.No.768 of 2008

Dr.G.JAYACHANDRAN, J.

This petition is filed to condone the delay of 249 days in filing the petition to restore the appeal, which was dismissed for default on 10.06.2019.

2. The learned counsel for the petitioners/appellants submitted that after filing this petition, appellants 2 to 4 died and the 1st appellant had taken back the papers from him and there is no further instructions and that he has already given consent for change of counsel. Yet another appellant is the Executive Officer of Shiva Vishnu Group Temples, Sankagiri, there is no representation for the 5th appellant also.

3. From the notes paper and the previous proceedings, this Court finds that this appeal was dismissed on 10.06.2019 with the following observation:

"2. In the matter, the counsel for the appellants had already given change of vakalat to the appellants and also made an endorsement to that effect. Accordingly, on the appellants being called and remaining absent, Registry was directed to list the matter today, i.e., on 10.06.2019, under the caption "for dismissal", by printing the names of the appellants in the cause list.

3. Today when the matter is called, there is no representation for the appellants. Appellants called absent.

4. Resultantly, the first appeal is dismissed for non-prosecution with costs. Consequently, connected miscellaneous petition, if any, is closed."

4. The petition has been filed for restoration from the new counsel Mr.Kanniah. Today, Mr.Kanniah also states that he has already given consent to



change the counsel. In the said circumstances, this Court is of the view that after getting papers from the counsel Mr.Kanniah, the appellants have not chosen to engage any counsel to pursue the matter. This Court finds that no merit in condoning the delay to re-admit the appeal, which was also dismissed for default, and there is no reason to condone the delay. Hence, the petition stands dismissed.

25.02.2022

rpl

Dr.G.JAYACHANDRAN, J.

rpl



WEB COPY



C.M.P.No.18744 of 2021
in A.S.No.768 of 2008

25.02.2022