



**C.M.P.No.5608 of 2021**  
**in S.A.No.1552 of 2010**

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**KRISHNAN RAMASAMY, J.,**

This petition has been filed by the petitioner/appellant seeking to set aside the order of dismissal and restore the Second Appeal in S.A.No.1552 of 2010, which was dismissed for non-prosecution on 24.11.2020.

2.The learned counsel appearing for the petitioner/appellant would submit that the case was first listed on 14.12.2010 and subsequently it was only listed on 31.07.2020 under the caption “notice regarding admission” and the same was adjourned to 14.09.2020 and when the petitioner/appellant tried to contact his earlier counsel he could not contact him. He would further submit that due to pandemic situation and the petitioner/appellant's age factor he was unable to travel to Chennai and receive the case papers and handover the case to the new counsel. In the meantime, the case was listed on 24.11.2020 and it was dismissed for non-prosecution. Hence, he prayed to allow the present petition.



**KRISHNAN RAMASAMY, J.,**

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3.The learned counsel appearing for the respondents 1, 2 & 4 would submit that this petition is pending for the past one year and he wants to file formal counter.

4.Though the learned counsel appearing for the respondents 1, 2 & 4 made an objection that the petitioner/appellant has not taken any steps to list the matter for a period of one year, since the reason for non-appearance is only due to the pandemic situation and in the interest of justice and to give fair adjudication, this Court feels it would be appropriate to allow the present petition. Accordingly, this petition is allowed.

5.Post the Second Appeal for final hearing on 08.11.2022.

**23.09.2022**

(<sup>1</sup>/<sub>2</sub>)

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