



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Fifth day of February Two Thousand Twenty Two

PRESENT

THE HON'BLE MRS.JUSTICE J.NISHA BANU

CMP.No.19158 of 2021

in CMSA.No.39 of 2014

MR.ARUNPRASATH.A

[PETITIONER]

VS

THENMOZHI.V

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the CMP.No.10080/2021 in CMSA.No.39/2014 which was dismissed for default on 26.08.2021.(CMP.No.19158 of 2021)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.NELLAIAPPAN, Advocate for the petitioner, the court made the following order:-

When the matter came up for hearing on 03.10.2018, this Court dismissed C.M.S.A.No.39 of 2014 stating that the appellant did not appear on 10.08.2018, 31.08.2018, 01.10.2018 and 03.10.2018 and therefore, the Appeal was dismissed for non-prosecution. Thereafter, a restoration application in C.M.P.No.10080 of 2021 has been filed and when the restoration application was listed, none appeared for the petitioner. Then again, the matter was posted for dismissal on 26.08.2021. On 26.08.2021, since none appeared on behalf of the appellant, the restoration application filed in C.M.P.No.10080 of 2021 was also dismissed.

2. Now by filing C.M.P.No.19158 of 2021, another learned counsel representing on behalf of the petitioner submitted that he has come by way of change of vakalat.



3. In the aforesaid facts and circumstances of the case and the manner in which the matter has been conducted, I am unable to appreciate this kind of practice and therefore, I am not inclined to entertain this application in C.M.P.No.19158 of 2021. Accordingly, the C.M.P.No.19158 of 2021 stands dismissed.

-sd/-
25/02/2022
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
CUDDALORE.

2 THE PRINCIPAL SUBORDINATE JUDGE,
CUDDALORE.

Order
in
CMP.No.19158 of 2021
in CMSA.No.39 of 2014

Date :25/02/2022

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
GS(03/03/2022)