



C.M.P.No. 3132 of 2023

in

S.A. No. 1148 of 2005

T.V. THAMILSELVI, J.

This petition has been filed seeking to readmit S.A.No.1148 of 2005 on the file of this court, which was dismissed for non-prosecution.

2. Mr.N.Manokaran, learned counsel for petitioners/appellants submitted that the above Second Appeal was dismissed on 05.03.2019. He would submit that due to old age of appellants and family situation, they have believed the version of 2nd respondent and instructed their counsel on record that they have no inclination to prosecute the appeal, thereby, the counsel on record reported no instructions. So, when the matter was listed for hearing, there was no representation on the side of appellants. The non-representation by the appellants is neither willful nor wanton. Hence, he has filed the above petition to restore the above S.A.

3. Mr. S.Kaithamalai Kumaran, learned counsel for respondents 1 to 3 appeared and raised formal objections in allowing the above petition.

4. 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.

5. Post the matter on 09.10.2023.

13.09.2023

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