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C.M.P.No. 4441 of 2023

in

S.A. No. 75 of 2007

T.V. THAMILSELVI, J.

This petition has been filed seeking to restore the above second appeal, which was dismissed for non-prosecution on 09.02.2023 by setting aside the said order.

2. Mr.T.R.Rajaraman, learned counsel for petitioners/appellants submitted that the above Second Appeal was dismissed for non-prosecution on 09.02.2023. He would submit that as there was no notification with regard to single sitting of this court for taking up the cases as listed in the provisional list, the counsel on record unable to appear and argue the case on that day when it was taken up for hearing. He would also submit that his absence at the time of hearing of the above appeal on that day is neither willful nor wanton, but due to the bonafide reason stated above. Hence, he has filed the above petition to restore the above S.A.

3. Mr. J.Ramakrishnan, learned counsel for respondents 1 and 5 to 9 appeared and raised strong objections in allowing the above petition.



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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 above second appeal on condition that the petitioners/appellants shall pay a cost of Rs.2000/- payable to the respondents' counsel 1 and 5 to 9 within a period of one week from the date of receipt of copy of this order.

5. Post the matter on 17.08.2023.

02.08.2023

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3

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