



**C.M.P.No. 7149 of 2023**

**in**

**S.A. No. 17 of 2010**

**T.V. THAMILSELVI, J.**

This petition has been filed seeking to set aside the order dated 03.03.2023 dismissing the Second Appeal for non-prosecution.

2. Mr.S.Kadarkarai, learned counsel for petitioners/appellants submitted that the above Second Appeal was dismissed on 03.03.2023. He would submit that since junior counsel left office long back, they are not aware about listing of case. So, when the matter was listed on 03.03.2023 without mentioning senior counsel name in the cause list, there was no representation on the side of appellant. 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. Ms. S.Mahalakshmi, learned counsel for respondents 2 to 5 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 15.09.2023.

**11.08.2023**

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