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C.M.P. No. 10008 of 2023
in A.S. No.24 of 2019

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 26 days in filing the petition to restore the First Appeal in A.S.No.24 of 2019, which was dismissed for non-prosecution on 20.02.2023.

2. Mr.J.Franklin, learned counsel for petitioners submitted that on the date of hearing, while he was held up in other court, he could not appear before this court for the hearing of the above case when the matter was reached. However, the above Appeal Suit was dismissed for non-prosecution and the non-appearance of counsel on record on that day is neither willful nor wanton. Accordingly, he filed this petition to restore the above appeal.

3. Mr.C.R.Prasannan, learned counsel appearing for 1st respondent appeared and submitted that at the earlier occasion also, opportunity was given, but inspite of that, they have not proceeded with the appeal. So, this Court dismissed the appeal for non-prosecution and now he wanted to



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restore the same. However, he prayed to insist the appellant to get on with the appeal, since the appeal is pending from the year of 2019.

4. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit filed in support of the petition seeking to condone delay of 26 days, this Court is inclined to allow this petition and to restore the above Appeal Suit.

26.06.2023

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