



A.No.5179 of 2022

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A.No.5179 of 2022
in
C.S.No.915 of 2006

C.SARAVANAN, J.

This application has been filed to restore the suit in C.S.No.915 of 2006 dismissed for non-prosecution on 10.01.2020.

2. The Civil Suit was originally filed on behalf of the plaintiff by M/s.Srinath Sridevan, T.K.Baskar and Harishankar, Advocates.

3. It appears that after the suit was numbered and taken on file of this Court. The applicants/plaintiffs however decided to engage another Counsel Mr.R.Nagasundaram and that on 27.11.2019, his colleague Mr.T.K.M.Sairam appeared before this Court and informed that vakalat earlier filed will be re-presented to represent the interest of the applicants/plaintiffs. However, the vakalat was not filed. Therefore, the suit came to be dismissed for default on 10.01.2020.

4. It appears that Mr.R.Nagasundaram also eventually died on 17.06.2021. Thus the applicants/plaintiffs took out A.No.3011 of 2022 to



condone the delay of 892 days in filing the application for restoration of the suit. In the said application, notice was ordered on the learned Counsel who initially represented the respondents/defendants. However, they reported "no instructions". Therefore, Paper Publication was ordered. As there was representation, A.No.3011 of 2022 filed to condone the delay of 892 days in filing the application to restore the suit to the file of this Court was allowed on 28.10.2022.

5. Now, the application for restoration of the suit to the file of this Court has come up for hearing. The earlier attempt of the applicants/plaintiffs to serve notice on the respondents/defendants had remained futile and thus, Paper Publication was ordered.

6. Considering the fact that the respondents/defendants had already entered appearance and considering the fact that the suit is of the year 2006, this application deserves to be allowed. Accordingly, this Application is allowed. The suit is thus restored to the file of this Court.



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7. Considering the fact that the defendants had already filed their Written Statement even prior to the dismissal of the suit on 10.01.2020, fresh notice is ordered on the defendants for marking their appearance/presence either in person or through Counsel on the next date of hearing. The plaintiff shall take out a fresh notice through post in two weeks time. In case, the notice remains unserved, the plaintiff shall take out Paper Publication in any National Newspaper in English having wide circulation in Chennai for the next date of hearing on 10.04.2023.

8. List the suit before this Court "for further orders" on 10.04.2023.

22.02.2023

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