



C.M.P.No. 14313 of 2023

in

A.S. No. 48 of 2016

T.V. THAMILSELVI, J.

This petition has been filed seeking to set aside the order dated 12.06.2023 dismissing the Appeal for non-prosecution.

2. Mr.S.Mahesh, learned counsel for petitioner/appellant submitted that as the earlier counsel on record fell sick, he was not able to attend court work and he informed with the petitioner that he would return the papers and also send change of vakalat, but so far, the petitioner has not received case papers as well as vakalat from him. Hence, when the matter taken up for hearing on 12.06.2023, there was no representation on behalf of appellant. Furthermore, the petitioner was under the impression that his counsel would appear and get along with the case, to his shock, he failed to appear on behalf of him and accordingly, this court dismissed the above appeal for non-prosecution. Thereafter, on coming to know about the dismissal order through a common friend, he engaged the present counsel and he has filed the above petition praying to restore the above appeal.



WEB COPY

3. 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 Appeal Suit, this Court is inclined to allow this petition and to restore the Appeal Suit.

4. Post the matter on 01.08.2023.

13.07.2023

rpp



WEB COPY

3



T.V.THAMILSELVI, J.

rpp

C.M.P.No. 14313 of 2023
in
A.S. No. 48 of 2016

13.07.2023