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C.M.P.No. 20916 of 2023

in

A.S. No. 388 of 2014

T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to set aside the exparte judgment and decree dated 19.07.2022 in A.S.No.388 of 2014 and rehear the appeal.

2. Mr.M.V.Seshachari, learned counsel for petitioner/1st respondent submitted that during February 2023, the petitioner came to know through his counsel that the above appeal was allowed without appearance of 1st respondent's side and he was directed to make payment of a sum of Rs.12,50,000/- with interest. He would submit that since frequent medical treatment of her daughter, she could not follow the case. Hence, when the matter taken up for hearing on 19.07.2022, there was no representation on behalf of 1st respondent. Furthermore, the petitioner was under the impression that her lower court counsel would take care of the case, but to her shock, he failed to pursue her appeal. Accordingly, this court passed an exparte judgment and decree in the above appeal . Thereafter, on coming to know about the dismissal order, now she has filed the above petition praying to rehear the above appeal.



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3. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit filed in support of the petition seeking to rehear the Appeal Suit seems to be justifiable one, this Court is inclined to allow this petition and to rehear the above Appeal Suit.

4. Post the matter on 17.10.2023.

13.09.2023

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