



WEB COPY



C.M.P.No.22051 of 2022
in S.A.No.1303 of 2006

P.T.ASHA, J.,

The above petition is filed for restoring the second appeal to file on the basis of the judgment which has been passed on the basis of a Memo filed by the then counsel for the petitioners herein without any instructions or notice to them. It is no doubt that the point in issue, which has been stated in the Memo is the legal issue. However, since the judgment has been passed primarily on the basis of this Memo, which was filed by the then counsel without instructions, this Court feels that an opportunity should be given to the learned counsel for the petitioners herein, who is the respondents in the second appeal to make their submissions. The second appeal is therefore restored to file on condition that the second appeal shall be argued positively on 08.02.2023. Accordingly, this petition is allowed.

2. Post the matter on 08.02.2023.

02.02.2023.

srn