



C.M.P.No.1368 of 2024
in S.A.No.887 of 2017

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P.B.BALAJI, J.

This Civil Miscellaneous Petition has been filed to bring on record the LR's of the deceased sole respondent in the above Second Appeal.

2. Mr.K.Selvaraj, Learned Counsel represents that he has already filed vakalat for the respondents 1 to 4.

3. I have gone through the affidavit in support of the application. Accordingly, this Civil Miscellaneous Petition is allowed.

4. Mr.P.Valliappan, Learned Senior Counsel for appellant would submit that the suit, pursuant to the remand by the First Appellate Court was dismissed on 01.03.2016, for non-prosecution and according to him, he is not aware as to whether any application was filed to restore the suit. However, according to his instructions the suit was never restored to file thereafter and it is one of the substantial questions of law that has been raised in the present Second Appeal. The records which has been received from the First Appellate Court as well as the trial Court do not indicate any order dismissing the suit for



default. Hence, Learned II Additional/Sub-Judge, Salem before whom the suit was pending on the relevant date, namely on 13.03.2016 shall immediately furnish a report to this Court by not later than 11.03.2023, with a specific note regarding the adjudication on 01.03.2016 and as to whether subsequent to the dismissal of the suit for non-prosecution, the suit has been restored to file or not. The said report has to positively reach this Court by 11.03.2024.

5. Post this matter on 12.03.2024

04.03.2024

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Note: Registry is directed to carry out the necessary amendment in the cause title.

Copy to:-

1. The II Additional/Sub-Judge, Salem.



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