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C.M.P.No.28382 of 2023

in

S.A.Sr.No.12950 of 2021

P.T.ASHA, J.,

The above petition is filed to restore C.M.P.No.16224 of 2021 in S.A.Sr.No.12950 of 2021 on the file of this Hon'ble Court which was dismissed for default pursuant to the order dated 30.11.2022.

2. Only the 4th respondent is represented by the counsel, the other respondents, namely, respondents 1, 2 and 3 have been served and the private notice sent to the 5th respondent has been returned with an endorsement "*un-claimed*". The postal endorsement would show that on two occasions intimation has been given to the 5th respondent. Therefore, there is a deemed service on the 5th respondent.

3. The learned counsel appearing for the 4th respondent has no objection to restore C.M.P.No.16224 of 2021 in the above Second Appeal which was dismissed for default by order of this Court dated 30.11.2022. Therefore, C.M.P.No.16224 of 2021 is restored.



4. The learned counsel for the 4th respondent had also submitted that he has no objection to the delay of 1891 days being condoned.

5. However, post C.M.P.No.16224 of 2021 on **24.01.2024**.

22.01.2024

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P.T.ASHA.J

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in
S.A.Sr.No.12950 of 2021

22.01.2024