



C.M.P.No. 16370 of 2024
in
C.M.P. SR. No. 156628 of 2019
in
C.M.P.No. 7959 of 2019
in
Rev. Appl. SR. No. 26162 of 2019

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 521 days in filing the petition to set aside the order of dismissal for default dated 30.11.2022 made in C.M.P. SR.No.156628 of 2019 in C.M.P.No.7959 of 2019 in Rev.Appl. SR.No.26162 of 2019 against S.A.No.1975 of 2000 and to restore the same on merit.

2. Mr.P.Hari Babu, learned counsel for petitioners submitted that the petitioners have filed a petition to implead legal heirs of deceased 2nd respondent in C.M.P.SR.No.156628 of 2019 in C.M.P.No. 7959 of 2019 and he was under impression that his erstwhile counsel following the main case. But, the registry had returned the said petition to rectify some defects on 16.06.2021 and on filing change of vakalat, the present counsel on record, they came to know that the said petition was dismissed for default for non-compliance on 30.11.2022. Hence, this petition has been filed to set aside the order of dismissal for default and to restore the same.



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3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition and to restore the same. Registry is directed to number the petition if it is otherwise found to be in order and post the matter on 01.10.2024.

20.09.2024

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