



WEB COPY



C.M.P.No. 16528 of 2024

in

S.A. No. 1118 of 2010

T.V. THAMILSELVI, J.

This petition has been filed seeking to restore the above second appeal, which was dismissed for non-prosecution on 22.07.2024 by setting aside the said order.

2. Mr.A.M.D.Mohamed Salih Hussain, learned counsel for petitioners/appellants submitted that the above Second Appeal was dismissed for non-prosecution on 22.07.2024. He would submit that due to illness, the counsel on record arranged a counsel to appear as representing counsel, but he is unable to appear and argue the case on that day when it was taken up for hearing. He would also submit that his absence at the time of hearing of the above appeal on that day is neither willful nor wanton, but due to the bonafide reason stated above. Hence, he has filed the above petition to restore the above S.A.

3. Despite the name of learned counsel for respondents printed in the cause list, there is no representation on their side.



4. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit filed in support of the petition seeking to restore the Second Appeal and also considering the fact that the petitioners are senior citizens and to give one more opportunity, this Court is inclined to allow this petition and to restore the above second appeal.

5. Post the matter on 17.09.2024.

20.08.2024

rpp



WEB COPY



3

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 16528 of 2024
in
S.A. No. 1118 of 2010

20.08.2024