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C.M.P.No. 22853 of 2024

in

S.A. No. 661 of 2007

T.V. THAMILSELVI, J.

This petition has been filed seeking to restore the above second appeal, which was dismissed for non-prosecution on 13.07.2021 by setting aside the said order.

2. Mrs.R.Meenal, learned counsel for petitioner/appellant submitted that the above Second Appeal was dismissed for non-prosecution on 13.07.2021. She would submit that as she has not given change of vakalat, her counsel was unable to comprehend as to how the order was passed as she assured with her that she never reported that she had no instruction from her. Hence, there seems to be some confusion, which resulted in passing of successive order and due to passage of time, it was not found out as to how these orders were noted in the court papers. She would also submit that her 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, she has filed the above petition to restore the above S.A.



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3. Mr. D.Ravichander, learned counsel for respondents 2 to 8 appeared and raised strong objections in allowing the above petition.

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, this Court is inclined to allow this petition and to restore the above second appeal.

5. Post the matter on 13.11.2024.

14.10.2024

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