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CMP NO. 7389 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

CMP NO. 7389 of 2024 in

SA NO. 203 OF 2019

G. Murugesan

S/o.Govindasamy, Kottangal Village, Thiruvannamalai Dist. and
another

Appellant(s)

Vs

M. Pachiappan

S/O. Manna Gounder, Kottangal Village, Tiruvannamalai Tk. and
another

Respondent(s)

Prayer: To set aside the order of dismissal for default passed by this Court in
SA.No.203 of 2019, dated 13.02.2019

For Appellant(s): M/s.K.Balu

For Respondent(s): Mrs.P.Veena Suresh for R1 and R2

ORDER

Heard both sides.

2. The learned counsel for the petitioners/appellants submitted that the above second appeal was dismissed for non prosecution on 13.02.2019. He further submitted that the petitioners were hailing from a remote village at Thiruvannamalai and on account of imposition of strict travel regulations during Covid 19 pandemic period, they were not able to reach their erstwhile counsel and they were able to secure his counsel only during



A.A.NAK



J.

msr

December 2021, who informed them that the appeal was dismissed for default on

13.02.2019. Their erstwhile counsel informed them that since he was bed ridden due to

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serious illness, he was unable to attend the court when the case reached for arguments.

Therefore, he would submit that the non representation before the court is neither willful, nor wanton, but due to the above said reason. Thus, he prayed for restoration of the second appeal to the file of this court.

3. On being satisfied with the reasons stated in the accompanying affidavit filed in support of this petition, this court is inclined to allow this petition as prayed for. Accordingly, the petition is allowed. The S.A.No.203 of 2019 is restored to file. Registry is directed to post the second appeal for arguments on 10.06.2025.

15-04-2025

msr

To

1. M. Pachiappan

S/O. Manna Gounder, Kottangal Village, Tiruvannamalai Tk.

2. M.Ganapathy

S/o.Manna Gounder, Kottangal Village, Thiruvannamalai District.

Copy to

1. The Addl. Sub Judge, Civil Judge (Senior Division),

Thiruvannamalai

2. The Prl. District Munsif, Civil Judge, (Junior Division),

Thiruvannamalai.

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SA NO. 203 OF 2019