



WEB COPY

CMP NOs. 4484 and 4482 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

CMP NOs. 4484 and 4482 of 2025 in

SA NOs. 873 & 862 of 2018

N. Malar

Petitioner(s)

Vs

Ganapathy (Deceased)

1. V. Bharathy
2. The Tahsildar
3. G.Amsa
4. A.Susila
5. G.Vasanthi
6. G.lakshmi
7. G.Prakash
8. G.Anandan ... Respondent(s)

Prayer: to restore the second appeal SA.No.873 of 2018 which was dismissed for non prosecution on 23.01.2025 to the file of this court

For Petitioner(s): Mr.M.Balaji

For Respondent(s): Mr.V.Ramesh, GA for R2

Mr.P.Satesh Kumar for R3 to R8

ORDER

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.



A.A.NAK



J.

msr

2. The learned counsel for the petitioner/appellant submitted that the above second appeal was dismissed for non prosecution on 23.01.2025. He further submitted that on 21.11.2024, since the counsel on record underwent kidney transplant surgery on 21.11.2024, she was hospitalized for 15 days and thereafter she was advised to be in isolation for next three months. Hence, the counsel on record was not able to appear before the court on 23.01.2025. In spite of her junior counsel seeking for an adjournment on that day, this Court has dismissed the case for non prosecution. Therefore, he submitted that non representation of the counsel on record before the court is neither willful, nor wanton, but due to the above said reason. Thus, he prayed for restoration of the second appeals to 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.Nos.862 and 873 of 2018 are restored to file. Registry is directed to post the second appeals for arguments on 17.06.2025

29-04-2025

msr

To

1. The District Munsif, Katpadi.
2. The Subordinate Judge, Vellore

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