



CMP NO. 4957 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

CMP NO. 4957 of 2025 in

SA NO. 462 OF 2017

P. Kannaiyan

Petitioner(s)

Vs

M. Palanisamy (Deceased)

1. Chinnammal

2. P.Gunasekaran

3. S.latha

Respondent(s)

Prayer: to set aside the order dismissed for non prosecution passed on 10.01.2025 in SA.No.462 of 2017 and restore the second appeal and taken on file of this court.

For Petitioner(s): Mr.S.Mahaveersshivaji

For Respondent(s): No representation

ORDER

Heard the learned counsel appearing for the petitioner. There is no representation for the respondents.

2. The learned counsel for the petitioners/appellants submitted that the above second appeal was dismissed for non prosecution on 10.01.2025. He further submitted that on



A.A.NAKKI



10.01.2025, since the close relative of the counsel on record was demised, he went to condolence and returned on that day and rushed to court, but he find that the case was called and dismissed for default for non appearance of the counsel. Therefore, he submitted that 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 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.462 of 2017 is restored to file. Registry is directed to post the second appeal for arguments on 17.06.2025

29-04-2025

msr

To

1. The Sub Judge, Rasipuram
2. The District Munsif, Civil Judge (Junior Division), Rasipuram Court.

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