



WEB COPY

CMP No. 4675 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2025

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CMP No. 4675 of 2021

IN

SA NO. 447 OF 2014

1. K.Samuvel

2.Jothi

Petitioners /Appellants

Vs

B.Ponna Rao

Respondent/Respondent

PRAYER This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act R/w Order XVI Rule 3A of Civil Procedure Code, praying to condone the delay of 101 days in filing the restoration petition in SA.No.447/2014 dated 14.11.2019.

For Petitioners: Mr.K.M.Kanishkaran

For Respondent: No appearance



ORDER

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Mr.K.M.Kanishkaran, learned Counsel on record for the petitioners/appellants is before this Court. There is no representation for the respondent.

2. When the matter came up for hearing on 01.08.2025, this Court has observed as follows:-

“Mr.K.M.Kanishkaran, learned Counsel on record for the petitioners/appellants is before this Court.

2. When the matter was listed before this Court on July 7, 2025, this Court ordered as follows:

Mr.M.Kanishkaran, learned counsel on record for the petitioners/appellants and Mr.Nandhakumar, representing Mr.M.Rajasekar, learned counsel on record for the respondent are before this Court.

2.The learned counsel for the respondent submits that the entire case bundle has been handed over to the respondent. To that effect, the respondent has filed a memo dated 07.07.2025. The said memo is recorded.



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3. In view of the memo, issue notice to the respondent through Court as well as privately, for the hearing date on 01.08.2025. The petitioners shall file proper batta within 3 working days from today.

4. The Registry as well as the petitioners is directed to clearly mention the hearing date i.e., 01.08.2025. The appeal suit is adjourned to 01.08.2025

3. Pursuant to the above order, the Registry issued a notice to the respondent, which was duly received by the respondent on July 29, 2025.

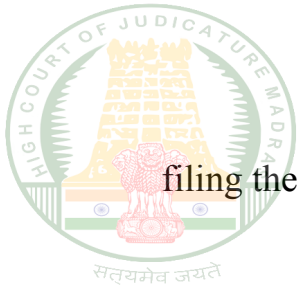
4. When the matter was taken up for hearing today, the respondent remained absent.

5. Mr. M. Rajasekar, erstwhile counsel for the respondent, submitted that he intends to file a fresh vakalat on behalf of the respondent and sought short accommodation. Request acceded to.

6. List the matter on 07.08.2025.”

3. Today also there is no representation on behalf of the respondent.
Respondent was called absent.

4. This Court has perused the affidavit filed in support of the petition and satisfied with the reasons stated therein, therefore, the delay of 101 days in



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filing the restoration petition in S.A.No.447 of 2014 is condoned.

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5. Accordingly, this Civil Miscellaneous Petition is ordered.

07.08.2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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1.B.Ponna Rao
S/o.B.Subbiah, No.4 A, 7th Street,
Ancheneya Nagar, Royapuram,
Chennai 13.



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R.SAKTHIVEL J.

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IN SA NO. 447 OF 2014**

07-08-2025