



CMP.No.8863 of 2022 in SA.No.986 of 2005

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V. LAKSHMINARAYANAN, J.

This Civil Miscellaneous Petition has been filed to restore the second appeal, which had been dismissed for default on 27.07.2018.

2. Earlier an application had been filed to condone the delay in filing the application to restore the second appeal. That application came to be allowed on payment of cost on 21.12.2024. Thereafter, the present application for restoration has been filed.

3. Though the respondent opposes the application stating that there is no good cause as the deceased appellant had not filed an application to restore the appeal during his life time, going through paragraph 5 and 6 of the affidavit, it becomes clear that the original appellant Mr.Rajangam was sick for couple of years before he passed away. Hence, it is clear that Mr.Rajangam was not in good health and finally succumbed to it. This averment in the affidavit has not been denied in the counter. Hence, I find good cause to restore the second appeal.



V. LAKSHMINARAYANAN, J.

mrp

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4. Accordingly, this Civil Miscellaneous Petition is allowed and the second appeal is restored.

Post the Second appeal on 28.10.2025.

mrp

26.09.2025

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26.09.2025