



WEB COPY

CMP No. 1971 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP No. 1971 of 2025

AND

SA NO. 571 OF 2007

Allimuthu

Appellant(s)

Vs

1. SELVARAJ

2. Devaraj

Respondent(s)

PRAYER

To restore the second appeal in SA.No.571/2007 which was dismissed for default on 09/03/2023

For Appellant(s): Mr. Sunil Kumar R

ORDER

This petition has been filed seeking to restore the above second appeal, which was dismissed for default on 09.03.2023 by setting aside the said order.

2. Mr.R.Sunilkumar, learned counsel for petitioner/appellant submitted that though effective steps taken to serve notice on the 2nd respondent and inspite of conditional passed by this court on 24.02.2023, the service could not be completed. Hence, the above Second Appeal was dismissed for default on



09.03.2023. He would also submit that as there was rift between the advocate and the petitioner, the previous counsel has not explained the seriousness of the case and ultimately, it was dismissed for default. If the case is heard on merit, definitely justice would be served to the appellant. He would also submit that his absence at the time of hearing of the above appeal on that day is neither willful nor wanton, but due to the bonafide reason stated above. Hence, he has filed the above petition to restore the above S.A.

3. Mrs. R.Meenal, learned counsel for 1st respondent appeared and raised strong objections in allowing the above petition.

4. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit filed in support of the petition stating that though effective steps taken to serve notice on the 2nd respondent, it could not be served and the fact that this second appeal is of the year 2007 and to avoid multiplicity of proceedings, this Court is inclined to allow this petition and to restore the above Second Appeal.

5. Post the matter on 24.03.2025.

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rpp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

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in SA NO. 571 OF 2007**

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