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CMP NO. 13052 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE A.A.NAKKIRAN

CMP NO. 13052 of 2024

AND

SA NO. 329 OF 2022

PACKIARAJ

S/o Kannan Res at Paramanatham Village, Sankarapuram Tk,
Kallakurichi Dt and another

Appellant(s)

Vs

SHAJAKHAN

S/o. Mohammed Ali, Residing at Moorarpalayam Village, Sankarapuram Taluk,
Kallakurichi District and another

Respondent(s)

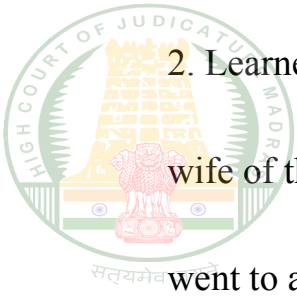
Prayer: To set aside the order of dismissal for default dated 18.04.2025 in SA.No. of 2022 and restore the SA.No.329 of 2022

For Petitioner(s): Mr.S.N.Subramani

For Respondent(s): Mr.C.Samivel for R1

ORDER

This miscellaneous petition is filed to set aside the order dismissing the S.A.No.329 of 2022 for default on 18.04.2024 and to restore the Second Appeal to the file of this Court.



2. Learned counsel for the petitioner submitted that on account of sudden den

wife of the senior counsel of the counsel for the petitioner, the petitioner's counsel

went to attend the funeral and inspite of informing the said fact to the court on

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18.04.2024, on which date, the case was posted under the caption 'for dismissal', this

court rejected his request and dismissed the second appeal. He further submitted that

non appearance of the counsel is neither wilful nor wanton, but due to the above said

reason. Thus, he prayed for restoration of second appeal.

3. Learned counsel for the 1st respondent has no objection for allowing this petition.

4. On being satisfied with the reasons stated in the accompanying affidavit filed in

support of this petition and in view of no objection expressed by the learned counsel

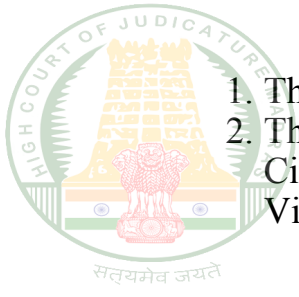
for the 1st respondent, this petition is allowed as prayed for. The Second Appeal is

restored to file.

5. The Registry is directed to post the second appeal on 10.06.2025 for arguments.

15-04-2025

To



1. The Addl. Sub Court, Kallakurichi.
2. The Principal District Munsif,
Civil Judge (Junior Division),
Villupuram



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A.A.NAKKIRAN

msr



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AND

SA NO. 329 OF 2022

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