



WEB COPY

CMP No. 21720 of 2



A.S.No.189 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CMP No. 21720 of 2025

in

A.S.No.189 of 2022

1. S.Chinnayan

Son of Chinnappagounder, Door
No.5/217, Kamaraj Street, No.4,
Veerapandi Village, Coimbatore -
641019.

2. C.Vidhya

Daughter of S. Chinnayan, W/o.
Murthy, Door No.5/218, Kamaraj
Street, No.4, Veerapandi Village,
Coimbatore - 641019.

Appellant(s)

Vs

1. Malathi

Daughter of S.Chinnaiyan, Wife of
Subramani, No.34, Near Mariamman
Kovil, No.4, Veerapandi Village,
Coimbatore - 641019.

Respondent(s)



PRAYER:- This petition filed under Order XLI, Rule 19 r/w 151 of CPC., to restore the above appeal suit in A.S.No.189 of 2022 on the file of this Hon'ble Court which was dismissed for non-prosecution on 26.06.2025.

For Appellant(s): M.R. Thangavel
R.Mekala
C.Anbu
S. Balaguru

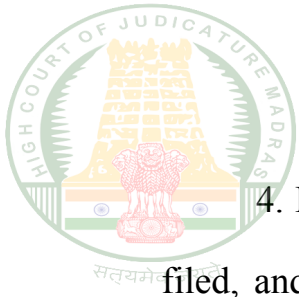
For Respondent:

ORDER

This Civil Miscellaneous Petition has been filed to restore the Appeal Suit in A.S.No.189 of 2022, which was dismissed for non prosecution on 20.06.2025.

2. The learned counsel for the petitioners had filed an affidavit stating that the first petitioner's father met with an accident on 22.06.2025, and therefore, he had to be away from this Court and in the interregnum period the appeal suit was called for dismissal for non prosecution.

3. Heard the learned counsel on record for the petitioner, who has filed the affidavit and the learned counsel for the respondent, who has no serious objections for allowing this petition.



4. Having satisfied with the reasons assigned for restoring the appeal suit filed, and considering the no objection stated by the respondent, the order of dismissal made in A.S.No.189 of 2022 for non prosecution dated 26.06.2025 is set aside and the Appeal Suit along with the order in the connected Miscellaneous Petition in respect of passing of final decree alone in O.S.No.74 of 2017, dated 28.03.2022 are restored to file.

5. Accordingly, this petition is allowed. No costs.

10-10-2025

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Note: The Registry is directed to restore the Appeal Suit in A.S.No.189 of 2022



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