



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**C.M.P.No.21128 of 2025
in S.A.No.526 of 2023**

1.Kamalam (Died)

2.Sornam

...Petitioners

Versus

Karunambiga

...Respondent

Prayer: This Civil Miscellaneous Petition is filed under Order 41 Rule 19 of Cr.P.C r/w. Section 151 of Cr.P.C praying to restore the order dated 21.07.2025 passed in S.A.No.526 of 2023.

For Petitioners : Mr.K.Balasubramaniam

For Respondent : No Appearance

ORDER

This Civil Miscellaneous Petition has been filed by the petitioners/appellants seeking to restore the Order dated 21.07.2025 in S.A.No.526 of 2023.



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2. The learned counsel for petitioners/appellants submitted that the earlier counsel viz., Mr.B.Ramamoorthy who was appearing on behalf of petitioners/appellants had stopped practising due to his ailments and his juniors to whom he has entrusted the case did not appear before the Court on 21.07.2025 and hence, this Court vide Order dated 21.07.2025 dismissed the Second Appeal No.526 of 2023 for non-prosecution. The non-appearance on the part of the petitioners/appellants is neither willful nor wanton. Therefore, the learned counsel prayed that this Civil Miscellaneous Petition may be allowed.

3. Considering the submissions made by the learned counsel for petitioners/appellants, this Court is inclined to allow this petition. Accordingly, this Civil Miscellaneous Petition is allowed and S.A.No.526 of 2023 is restored on the file of this Court.

15.12.2025

mrr

Note: Registry is directed to list S.A.No.526 of 2023 for hearing on 21.01.2026.



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T.V.THAMILSELVI, J.

mrr

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