



WEB COPY



C.M.P.No. 16746 of 2022

in

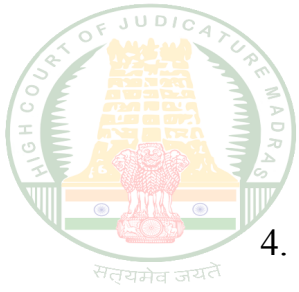
S.A. No. 1251 of 2007

T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to restore the above second appeal, which was dismissed for non-prosecution on 17.09.2019 by setting aside the said order.

2. Mr.P.Mani, learned counsel for petitioner/appellant submitted that the above Second Appeal was dismissed for non-prosecution on 17.09.2019. He would submit that the counsel on record, after attending the Court Hall No.19, he rushed to attend the above case, however, before he reached the court, the above second appeal was called and dismissed the same for non-prosecution, since there was no representation on the side of 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. Mr. M.Vijay Anand, learned counsel for 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 seeking to restore the Second Appeal, this Court is inclined to allow this petition and to restore the above second appeal.

5. Post the matter on 04.07.2025.

07.04.2025

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T.V.THAMILSELVI, J.



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