



CMP NO. 22762 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

CMP NO. 22762 of 2024

in

SA NO. 774 OF 2012

SELVAM

S/o. Jeyaraman, Thanam Nagar, Tiruppapuliyur,
Cuddalore -2.

Appellant(s)

Vs

1.Rasambal (Deceased)

2.Mrs.Jothi

W/o. Nagamuthu, Thanam Nagar, Tiruppapuliyur,
Cuddalore -2.

Respondent(s)

For Appellant(s):

M/s.Secular S.Arunkumar

For Respondent(s):

Ms.R.Meenal for R2



ORDER

WEB COPY This Miscellaneous Petition has been filed to set aside the *exparte* order of dismissal dated 18.09.2024 passed in the above Second Appeal and restore and dispose the same on merits.

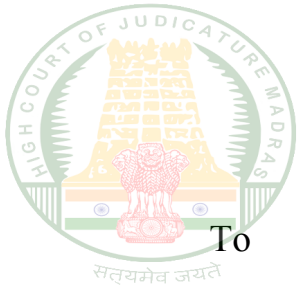
2. This petition had been filed on 27.09.2024, i.e., within a period of two weeks from the date of dismissal of the Second Appeal. In the affidavit filed in support of this Petition, it had been stated that the first respondent had died and the second respondent is the daughter of the first respondent. However, steps had not been taken to bring on record the further legal heirs. Therefore, the Appeal had been dismissed as abated. However, it could not have been abated, since the second respondent / legal heir of the first respondent is already a party to the Appeal.

3. The appellant herein is the defendant in the suit. The suit had been dismissed. But that judgment had been set aside by the First Appellate Court. Taking into consideration of all these factors, I would allow this application and restore the Second Appeal on file.

4. Accordingly, this application is allowed and the Second Appeal is restored back to file.

31-07-2025

gsk



To

WEB COPY

1. Mrs.Jothi
W/o. Nagamuthu, Thanam Nagar, Tiruppapuliur,
Cuddalore -2.



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C.V. KARTHIKEYAN,J.
gsk

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