



WEB COPY

CMP No. 11315 of 2
in S.A.No.241 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

**CMP No. 11315 of 2025
in S.A. No.241 of 2017**

Smt. Chandra

..Petitioner/Appellant

Vs

1. T.Sathiya,
2. D.Rajendran
3. D.Ravi
T.Senthil Kumar (died)
4. T.Arun,
5. T.Deepa,
6. Parimala
7. S.Keerthina

..Respondent(s)

Civil Miscellaneous Petition filed under Order XLI Rule 19 of Civil Procedure Code, 1908, pleaded to set aside the order of this Court dated 27.03.2025, dismissing the above S.A.No.241 of 2017 for non-prosecution and restore the Second Appeal on the file of this Court.

For Appellant :

Mr. D.Rajagopal

For Respondent(s):

M/s. SARVABHAUMAN ASSOCIATES (for R1)

M/s. D. Selvakumari (for R2 and R3)

R4 to R7 – Not ready – No Appearance.



ORDER

This application has been filed by the petitioner seeking to set aside the order of this Court dated 27.03.2025, by which the S.A.No.241 of 2017 was dismissed for non-prosecution, and to restore the said Second Appeal on the file of this Court.

2. By order dated 27.03.2025, this Court dismissed the appeal for non prosecution. According to the petitioner/appellant, notices had already been taken to the respondents. Respondents 1 to 3 have entered appearance through their counsel. However, notices could not be served on respondents 4 to 7, the appeal came to be dismissed for non-prosecution. It is further submitted that notices were attempted to be served on respondents 4 to 7, but they evaded service. Therefore, due to the inability to effect service, and for not taking further steps of service of notices to the respondents 4 to 7, the appeal was dismissed, necessitating the filing of the present petition before this Court.

3. The other side have not raised any serious objection to the allowing of this petition.

4. Considering the reasons stated in the affidavit filed in support of this petition, and the submissions made by the learned counsel for the petitioner/appellant that the appeal was dismissed for default only on account of



non-taking steps for service of notices, and in order to afford a fair opportunity to the petitioner to prosecute the appeal on merits, this petition deserves to be allowed.

5. Accordingly, this petition is allowed and the appeal is restored.

6. Since the appeal was dismissed for non taking steps for service of notices, the learned counsel for the petitioner is permitted to file a substituted service petition to effect service on respondents 4 to 7.

06-02-2026

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Note : Registry is directed to list the matter on **17.02.2026** along with the substituted service petition.



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P.DHANABAL, J.

klt

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