



WEB COPY

CMP No. 13979 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CMP No. 13979 of 2025

AND

SA NO. 423 OF 2022

Gomathi
W/O.Kalidoss

..Appellant(s)

Vs

1. Vijayarani
W/O.Ravichandran
2. State Of Tamil Nadu,
Rep by its District Collector, Nagapattinam.
3. Tahsildar
Taluk Office, Mayiladuthurai
4. Vanitha
W/O.Krishnakumar
5. Prasannadevi
D/O.Selvam,

..Respondent(s)

PRAYER IN CMP No. 13979 of 2025

Civil Miscellaneous Petition filed under Order 41 Rule 19 of Civil Procedure Code, praying to restore SA.No. 426 of 2022 to file, which was dismissed for non-prosecution on 22.04.2025.

PRAYER IN SA No. 423 of 2022

Second Appeal filed under Sec. 100 of Civil Procedure Code, praying to set aside the judgment and decree dated 01-04-2021 made in A.S.No.47 of 2019 on the file of Principal Sub-Ordinate Court, at Mayiladuthurai, which confirmed



the judgment and decree dated 01-09-2016 made in O.S.No.91 of 2013 on the file of Principal District Munsif, Mayiladuthurai and allow this Second Appeal and award cost.

For Appellant(s):

Mr.P.R.Thiruneelakandan

ORDER

This Civil Miscellaneous Petition has been filed seeking to restore the above second appeal, which was dismissed for non-prosecution on 22.04.2025 by setting aside the said order.

2. Mr.P.R.Neelakandan, learned counsel for petitioner/appellant submitted that the above Second Appeal was dismissed for non-prosecution on 22.04.2025. He would submit that due to sudden ill-health as well as personal inconvenience, the counsel on record was unable to appear and argue the case on that day when it was taken up for hearing. 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. 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.

20-02-2026

RPP



To

1. The Principal Sub-Ordinate Court, Mayiladuthurai
2. The Principal District Munsif, Mayiladuthurai.
3. The Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

RPP

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