



WEB COPY

CMP No. 28001 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

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

CMP No. 28001 of 2019

AND

SA NO. 1016 OF 2019

Sarangan @ Saravanan
S/o. Rangan,
Res At, Periya Harijan Colony, Annuppambattu
Village And Post, Ponneri Tk, Thiruvallur Dist

..Appellant(s)

Vs

1. Munusamy
S/o. Perumal,
Res At, Perumal Koil St, Periya Colony
Anuppambattu Village And Post, Ponneri Tk,
2. Murthy @ Muventhan
S/o. Aranganathan,
Res At, No.24/103 Ashok, Leyland Quarters
Ramsamy Mudaliar Nagar, Thiruvottiyur
Chennai-19
3. Sundaravadivu
W/o. Murthy @ Muventhan,
Res At, No.24/103, Ashok Leyland Quarters,
Ramasamy Mudaliar Nagar, Thiruvottiyur
Chennai-19
4. The State Represented By Its
District Collector
Thiruvallur Dist , Thiruvallur
5. The Tahsildar
Ponneri Tk, At Ponneri And Tk,
Thiruvallur Dist



6. Soma Hotels And Resorts Pvt Ltd
rep. By its Authorised Signatory,
V.S.Swarna, at D.No.30/A, South Phase
6th Street, Thiru-vi-ka Industrial Estate,
Guindy, Chennai-52.

..Respondent(s)

PRAYER IN CMP No. 28001 of 2019

Civil Miscellaneous Petition filed under Order 41 Rule 19 of C.P.C., praying to restore the above Second Appeal No.1016 of 2019 which was dismissed for default on 08.11.2019 on the file of this Court.

PRAYER IN SA No. 1016 of 2019

Second Appeal filed under Sec.100 of C.P.C., praying to set aside the judgment and decree passed in AS.No.27/2013 dt 20/02/2019 on the file of Sub Judge at Ponneri confirming the judgement and decree made in OS No.,35/2007 dt 30/01/2013 on the file of District Munsif, Ponneri.

For Appellant(s): Mr.S.Veeraraghavan

For Respondent(s): R2 to R5 - No Appearance
R6 - Vacated

Order

This Civil Miscellaneous Petition has been filed seeking to restore the above second appeal, which was dismissed for non-prosecution on 08.11.2019 by setting aside the said order.

2. Mr.S.Veeraraghavan, learned counsel for petitioner/appellant submitted that the above Second Appeal was dismissed for non-prosecution on 09.11.2019. He would submit that when the matter was posted for hearing on that day, father of counsel died. Hence, the counsel on record 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.

4. Post the matter on 26.03.2026.

24-02-2026

RPP

To

1. The Sub Judge, Ponneri.
2. The District Munsif, Ponneri.
3. The District Collector
Thiruvallur Dist , Thiruvallur
4. The Tahsildar
Ponneri Tk, At Ponneri And Tk, Thiruvallur Dist
5. The Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

RPP

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AND
SA NO. 1016 OF 2019**

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