



WEB COPY

CMP No. 24742 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMP No. 24742 of 2025

AND

SA NO. 1101 OF 2019

1. Shanthi

W/o. R. Kirubakaran, No.51, III Street,
Ashok Nagar, Sedhukkarai,
Gudiyatham Town, Vellore District.

Appellant(s)

Vs

1. G. Jayakumar

S/o. Late Govindasamy, Res. at
No.18/5, R.S. Road, Sungu Seetharama
Chetty Street, Pichanoor, Gudiyatham
Town, Vellore District. G. Kupammal
(Died).

2.Kayalvizhi

D/o. Late Govindasamy, Res. at
No.18/5, R.S. Road, Sungu Seetharama
Chetty Street, Pichanoor, Gudiyatham
Town, Vellore District.

3.Shanthi

D/o. Late Govindasamy, Res. at
No.18/5, R.S. Road, Sungu Seetharama
Chetty Street, Pichanoor, Gudiyatham
Town, Vellore District.

4.Padmavathi

D/o. Late Govindasamy, Res. at
No.18/5, R.S. Road, Sungu Seetharama
Chetty Street, Pichanoor, Gudiyatham
Town, Vellore District.



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Respondent(s)

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PRAYER

To set aside the order of dismissal for default dated 18.08.2025 passed by this Court and restore the above appeal in S.A.No.1101/2019 on the file for disposal on merits and thus render justice.

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For Appellant(s): Mr.V.M.G. Ramakannan

For Respondent(s): Mr.S.Santhan For R1 to R4

ORDER

This Civil Miscellaneous Petition has been filed to set aside the order of dismissal for default dated 18.08.2025 passed by this Court and restore the above appeal in S.A.No.1101/2019 on the file for disposal on merits.

2. The learned counsel for the petitioner submits that the petitioner was unable to appear before this Court due to ill health. His absence was neither willful nor intentional. Therefore, it is prayed that this petition be allowed.

3. Considering the facts of this case, this Court is inclined to give one more opportunity to the petitioner. Accordingly, order of dismissal for default dated 18.08.2025 passed by this Court is set aside and S.A.No.1101/2019 is restored. Thus, this petition is allowed on the condition that the petitioner shall pay a cost of Rs.2,000/- to the respondent's counsel.

09-01-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

T.V.THAMILSELVI J.

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