



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMP No. 31398 of 2025 in SA.No.702 of 2025

1. P.Vijay Anand
S/o. Palaniyappan, No. 6/239, Post
Office Street, Avinashi 641 645.

Appellant(s)

Vs

1. M.Arulselvan
S/o. Murugesan Palamarathottam,
Masandipalayam Village,
Kariyapalayam, Avinashi Taluk,
Coimbatore Dist.

2.M.Prema
W/o. Murugesan Palamarathottam,
Masandipalayam Village,
Kariyapalayam, Avinashi Taluk,
Coimbatore Dist.

Respondent(s)

PRAYER : Civil Miscellaneous Petition filed under Order XLI Rule 9 and Section 151 of Code of Civil Procedure to set aside the order of dismissal of the above Writ Second Appeal for non-prosecution passed by this Court on 17-11-2025 and take up the main Second Appeal in to record.

For Appellant(s): Mr.P.R.Krishnaraj

**ORDER**

This petition has been filed to set aside the order of dismissal of the above Second Appeal for non-prosecution passed by this Court on 17.11.2025 and take up the main Second Appeal in to record.

2. The learned counsel appearing for the petitioner would submit that when the second appeal was posted on 07.11.2025, before the counsel reached the Court hall, the appeal was dismissed for non prosecution and non appearance of the counsel was not wilful nor wanton. He further submitted that immediately after the dismissal of the appeal, he has filed the present petition to restore the second appeal. Hence, prayed to allow this petition.

3. Considering the nature of reasons assigned in the petition and as the petition to restore the appeal has been filed immediately after the dismissal of the appeal, this petition is Ordered.

04-02-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
vrc



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To,

1. The Principal District Judge,
Tiruppur.
2. The Sub Judge,
Palladam.



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T.V.THAMILSELVI J.

VRC

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