



CMP(MD). No.11609 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 27/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CMP(MD). No.11609 of 2024 in
CMP(MD).No.17040 of 2023 in SA(MD)SR.No.90941 of 2023

1. Paraman
2. Panam @ Panaselvi

... Petitioners

Vs

1. Karuthakannan (Died)
1. Palani
2. Annathai
2. K. Mani
3. Muthucharam
3. The Management,
M/s. Alagendra Textiles,
Theni District.
4. S.K. Sridhar
4. Ochu
5. M.S.V.S. Selvapandian

... Respondents

PRAYER :- To set aside the order dated 12-07-2024 passed by this Honourable Court in C.M.P.(MD).No.17040 of 2023 in S.A. (MD).SR.No.90941 of 2023 dated which was dismissed for non prosecution and restore the same.

For Petitioners : Mr. G.Prabhu Rajadurai,
Advocate

For Respondents 1 to 3 : Mr.M. Vijayarathinam

ORDER



CMP(MD). No.11609 of 2024

This petition has been filed to set aside the order dated 12.07.2024 passed by this Court in C.M.P.(MD) No. 17040 of 2023 in S.A.(MD) SR No. 90941 of 2023, which was dismissed for non-prosecution, and to restore the same.

2. Though the counsel for respondents 1 to 3 objected to the restoration of the Second Appeal which was dismissed for non-prosecution, it is brought to my notice that the 4th respondent has passed away and necessary steps are due.

3. The learned counsel for the petitioners states that the 4th respondent is only the vendor of the first respondent and has no substantial interest. The petitioners are willing to exclude the 4th respondent from the proceedings.

4. Considering the fact that the 4th respondent has already sold the property to the contesting respondent, he is no longer a necessary party. He does not have any subsisting right, title, or interest in the subject matter in dispute.

5. In light of the above, the objection in this regard is not sustainable. The application to condone the delay in filing the Second Appeal has been filed, and the Second Appeal is yet to be numbered.



CMP(MD). No.11609 of 2024

6. In view of the above, and although the Second Appeal is yet to be numbered, this Court is inclined to set aside the order dated 12.07.2024 made in C.M.P.(MD) No. 17040 of 2023 dismissing the same, and the application in S.A.(MD) SR No. 90941 of 2023 is restored to file.

7. List the CMP(MD).No.17040 of 2023 for hearing on 08.06.2026.

trp

27.04.2026