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Rayappan vs Munusamy

Rayappan vs Munusamy

SooperKanoon Citation : sooperkanoon.com/1860503

Court : Chennai Orders

Decided On : Jan-02-2025

Judge : Honourable Mrs Justice T.V.Thamilselvi

Appeal No. : CMP/20253/2021

Appellant : Rayappan

Respondent : Munusamy

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI CMP NO. 20253 of 2021 AND SA NO. 1433 OF 2005 RAYAPPAN and another Appellant(s) Vs MUNUSAMY Rep.By Power Of Attorney Agent, Pauline Pavaraj and 2 Others Respondent(s) For Appellant(s): Mr.S. Sethuraman

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 103 days in filing the petition to restore S.A.No.1433 of 2005, which was dismissed

for non-prosecution on 19.11.2018.

2. Mr.S.Sethuraman, learned counsel for petitioners/appellants

appeared and submitted that since the counsel on record went to Madurai and his juniors were attending the lower court, they are not able to attend the hearing on that day. Thereafter, they came to know that the above appeal was dismissed for non-prosecution on 19.11.2018, thereby he was hastening to file the present petition to restore the appeal. Hence, the petition to restore was not filed in time. In view of the same, there is a delay of 103 days in filing the above petition. Hence, he has filed the above petition to condone the delay and to restore the S.A.

3. Considering the fact that as the defendants, they are having valid

defence to contest the suit, which was filed by the plaintiffs seeking for the relief of declaration and if the above second appeal is not restored, their right to defend the case would be defeated. Therefore, this Court is inclined to allow this petition and to restore the above second appeal.

4. Post the matter on 03.03.2025. rpp

T.V.THAMILSELVI, J.

rpp C.M.P.No. 20253 of 2021 in S.A. No. 1433 of 2005 (1/2)

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