

**THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU**  
**&**  
**THE HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA**

**Writ Appeal No.670 of 2023**

**ORDER:**

Heard both the learned counsel.

2. All the learned counsel agrees that the matter was not listed under the caption 'for dismissal'. On the day the impugned order was passed.

3. This court is of the opinion that the impugned order should be set aside because the party should not suffer for the "failure" of the learned counsel, to appear. It was also represented that the counsel had met with an accident and sustained a fracture of her leg. A representation was made on behalf of the counsel who had sustained a fracture. Some arrangement was made and it was not a case of total non-representation.

5. If the learned Judge was of the opinion that the matter had to be "dismissed" or had to be heard on a priority, in the opinion of this Bench, he had an option of putting the learned counsel on notice, asking them to

make alternative arrangements and thereafter, if they fail to comply with the orders of the Court, further orders could have been passed.

6. Considering the submissions made by all the learned counsel, the impugned order is set aside. Learned Single Judge is requested to restore the matter and hear the same on merits and then take a decision on the issue.

7. With the above observation, writ appeal is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Applications, if any, pending shall stand closed.

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**JUSTICE D.V.S.S.SOMAYAJULU**

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**JUSTICE DUPPALA VENKATA RAMANA**

Date: 06.07.2023.

Note: CC today

B/o.

ANS/NKA

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