

CMP.NO.9394 OF 2019
IN CMA SR NO.41638 OF 2019

M.GOVINDARAJ, J.

This Civil Miscellaneous Petition is filed by the petitioner seeking to condone the delay of 348 days in filing the above Civil Miscellaneous Appeal.

2.Learned counsel for the petitioner would submit that the petitioner is the third defendant in the suit and her husband underwent some DVAC proceedings and was convicted. All the documents connected to the suit were seized by the District Vigilance and Anti Corruption Police and due to the mental agony she could not prosecute the case before the Lower Court as well as she could not approach this Court, due to which, there is a delay of 348 days.

3.Ms.S.Senthilvadivu, learned counsel for the respondents/plaintiffs vehemently contended that the petitioner is a habitual defaulter and left the matter with an ulterior motive to protract the proceedings and therefore, this petition should be dismissed.

4.Heard the submissions made on either side.

5.It is not denied that the husband of the petitioner/third defendant underwent DVAC proceedings and the files were seized by the District Vigilance and Anti Corruption Police and subsequently, he was convicted.

6.Considering the facts and circumstances of the case, this Court is inclined to condone the delay of 348 days in filing Civil Miscellaneous Appeal by imposing compensatory costs. Accordingly, this Civil Miscellaneous Petition is allowed on condition that the petitioner pays a sum of Rs.3,000/- (Rupees Three Thousand Only) to the learned counsel for the respondents/plaintiffs, within a period of one week from today.

7.Accordingly, learned counsel for the petitioner has paid the amount across the Court.

8.Registry is directed to number the Civil Miscellaneous Appeal, if it is otherwise in order and post it for admission on 03.06.2019.

30.04.2019

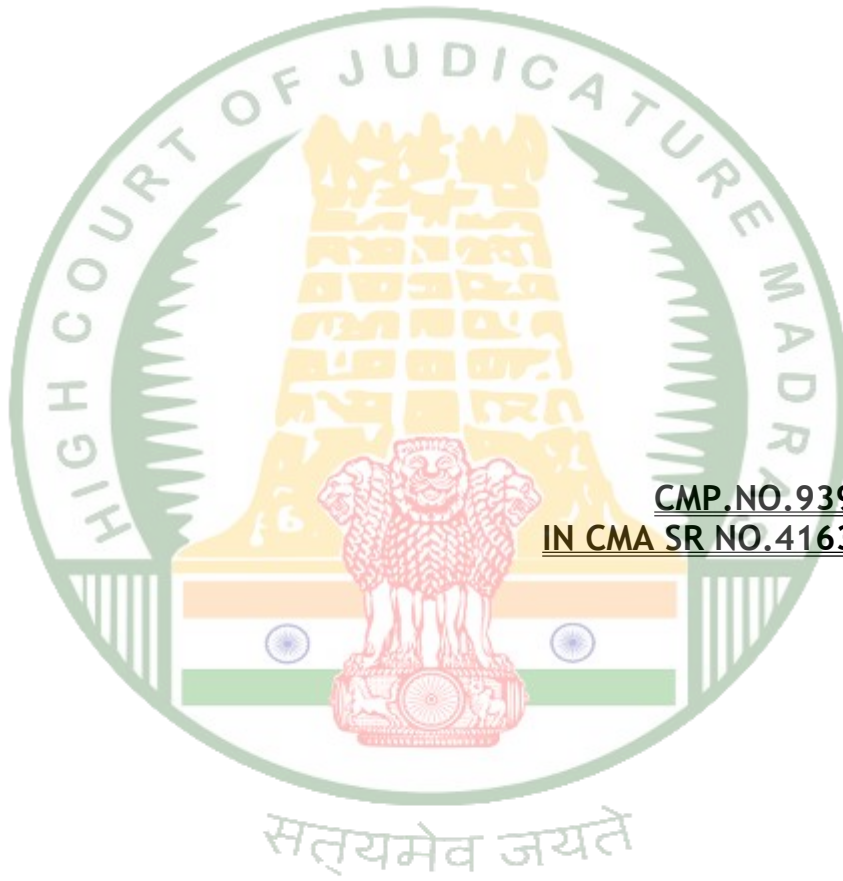
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