

C.M.P.No.18000 of 2019 in C.M.S.A.No.SR22034 of 2019

T.RAJA, J.

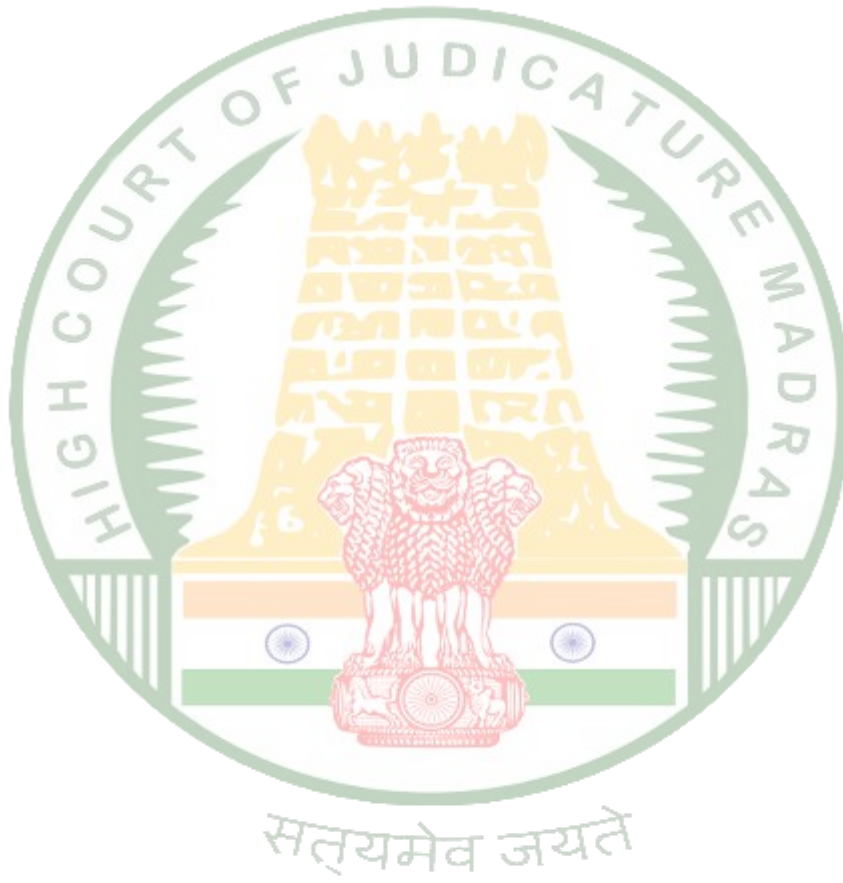
This civil miscellaneous petition has been filed to condone the huge and unexplained delay of 2947 days in filing the civil miscellaneous second appeal.

2. Learned counsel for the petitioner submitted that after the decretal order was passed in C.M.A.No.16 of 2008 by the learned Principal District Judge, Namakkal on 13.10.2010, the petitioner obtained the order copy within time and the same was also handed over to Mr.Gopalasamy, Advocate practising at Madras High Court for taking steps to file the civil miscellaneous second appeal. Thereafter, he has been raising queries about the status of the case. But the said counsel failed to reply. In the meanwhile, the petitioner was transferred to another State and subsequently came to know that Mr.Gopalasamy passed away in the year 2016 and thereafter, he has taken steps to file the papers, by which time more than two years have lapsed.

3. This Court finds no sufficient cause to condone the long delay of more than eight years. The reason is that when the petitioner came to know that his counsel passed away in 2016, it is not known why after the demise of his counsel, has kept quiet for a period of two long years, although he had not taken steps from 2010 to prosecute the matter. Therefore, looking at any angle, this Court finds no sufficient cause to condone the huge delay of more than eight years. Accordingly, the civil miscellaneous petition stands dismissed.

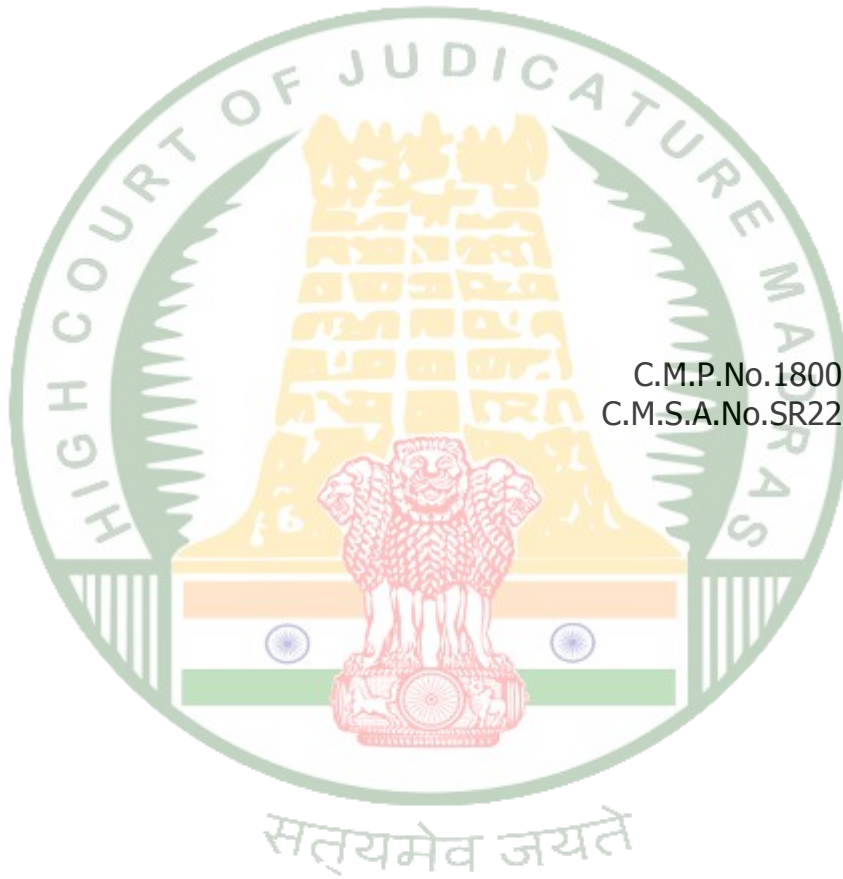
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