

C.M.P.No.15614 of 2019 in Tr.C.M.P.No.907 of 2018

T.RAJA, J.

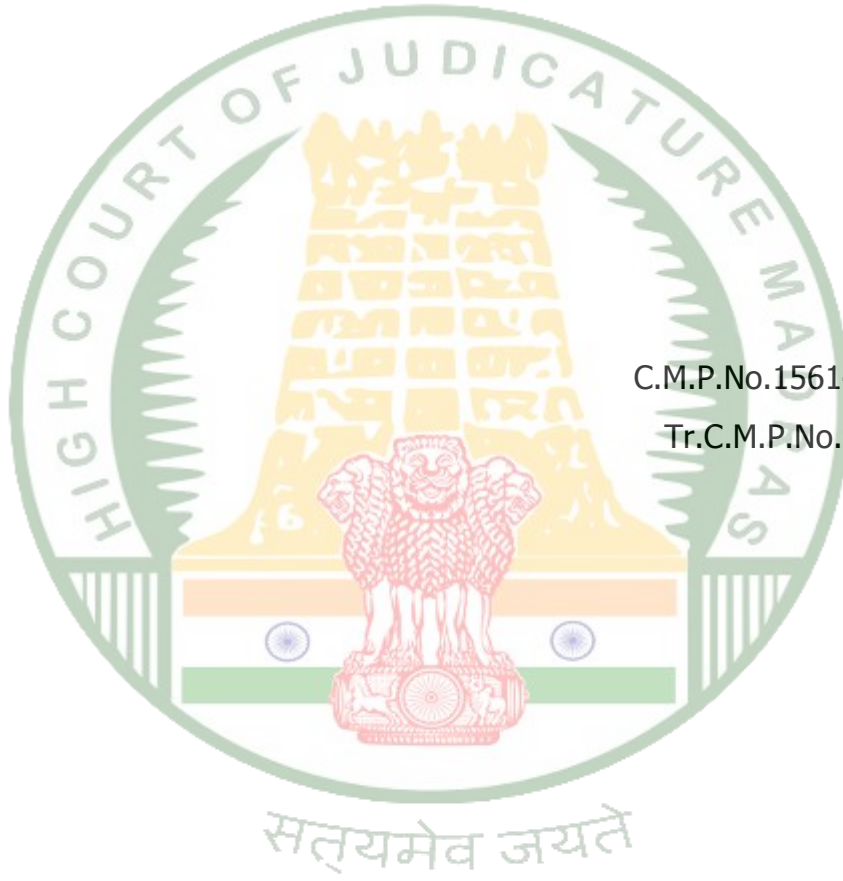
This civil miscellaneous petition has been filed to condone the delay of 143 days in filing the petition to restore the transfer civil miscellaneous petition.

2. Learned counsel for the petitioner stated that when the case was listed for hearing on 24.1.2019, as the name of the counsel on record for the petitioner has been fed by the computer section as M/s Gowthaman.T, instead of M/s T.Gowthaman, the counsel on record for the petitioner was not able to have access to the listing of the matter on the said date, as a result he was not able to appear before the Court and the matter was dismissed for default on the ground of no representation. When the counsel on record was expecting the listing of the matter before the Court, only subsequently, they came to know that the matter was dismissed long time ago. Hence, there has been a delay of 143 days in filing the petition for restoration, which is neither wilful nor wanton but only due to the bona fide reasons mentioned above. Therefore, the delay may be condoned.

3. The notice sent to the respondent to the address given in the H.M.O.P.No.1405 of 2018 has been returned with the postal endorsement 'no such person'. When the address given by the respondent in the H.M.O.P.No.1405 of 2018 has been reflected in the transfer civil miscellaneous petition to which service was also taken, there cannot be a postal endorsement stating 'no such person'. Therefore, the delay is condoned and the civil miscellaneous petition stands allowed.

07.08.2019

SS



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