

C.M.P.No.17000 of 2019 in C.M.A.No.SR93278 of 2019

T.RAJA, J.

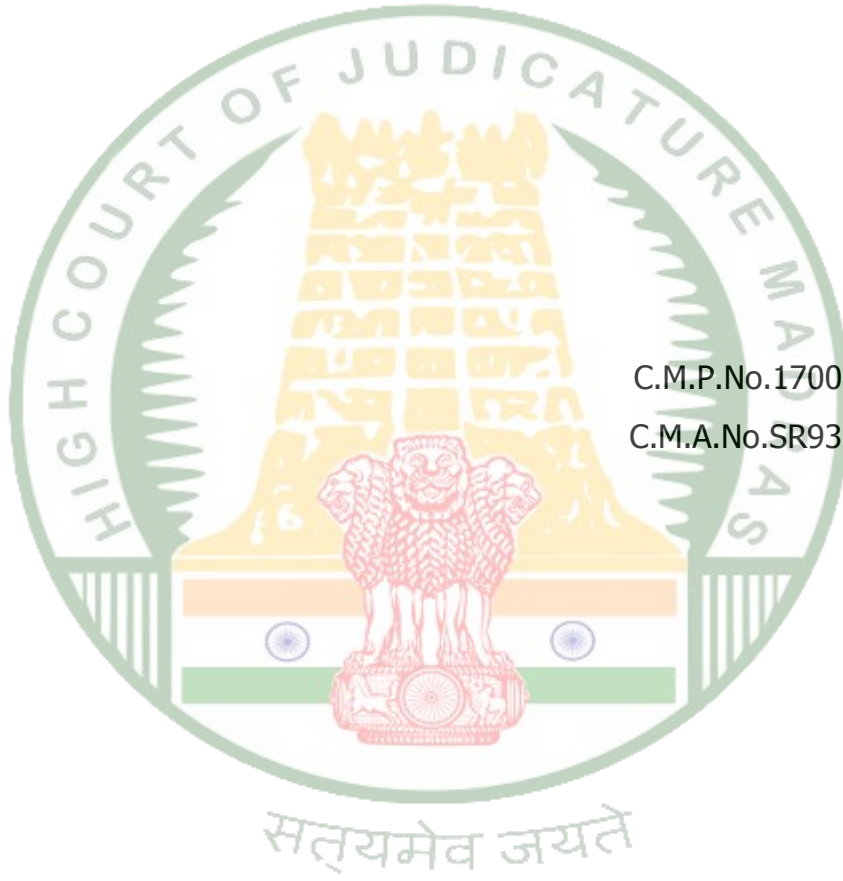
This civil miscellaneous petition has been filed to condone the delay of 43 days in filing the civil miscellaneous appeal.

2. The petitioner is the defendant before the trial Court against whom the suit for recovery of a sum of Rs.60,83,000/- with interest at the rate of 18% per annum for Rs.44,00,000/- was filed in O.S.No.216 of 2018 on 6.6.2018. The respondent/plaintiff also moved an application under Order XXXVIII, Rule 5 of the Civil Procedure Code to pass an interim order for furnishing security or in the alternative attach the property. The trial Court, considering the balance of convenience and also the prima facie case made out by the respondent/plaintiff, has directed the petitioner/defendant to furnish security, failing which the order of attachment will take effect. When the suit has been laid for a huge sum of Rs.60,83,000/-, the trial Court has passed only a balanced order. In any event, the suit is pending. Therefore, this Court is unable to find any sufficient cause to condone the delay. Accordingly, the civil miscellaneous petition is dismissed.

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