

W.M.P.No.18426 of 2017 in W.P.(MD)No.5671 of 2007T.RAJA, J.

It is the case of the petitioner that when the Writ Petition (MD) No.5671 of 2007 was filed before the Madurai Bench, for want of territorial jurisdiction, the writ petition was directed to be transferred to the Principal Seat. But without notice to the petitioner, it was taken up for hearing and noting that the petitioner failed to appear before the Principal Seat, the writ petition was dismissed for non prosecution by order dated 28.11.2013. As the petitioner was not aware of the transfer and the listing of the matter for hearing before the Principal Seat on 28.11.2013, the learned counsel on record was unable to appear in the matter and also not able to move a petition to restore the writ petition to file. In the meanwhile, there has been a delay of 1280 days in filing the petition to restore the writ petition.

2. Although service is complete on the respondents, none appeared.

3. This Court, having been satisfied with the explanation offered by the petitioner that she was not put on notice before the writ petition, on being transferred from the Madurai Bench to the Principal Seat, was dismissed for non prosecution, is inclined to condone the delay. Accordingly, the delay is condoned and the miscellaneous petition stands allowed.

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28.03.2019

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