

A.No.2200 of 2020
in
C.s.No.286 of 2003

P.T.ASHA, J.,

The above application has been filed to condone the delay of 3393 days in filing the application to set aside the order of dismissal for default dated 17.09.2010.

2. The applicant would submit that originally Mr.A.Subramani Iyer had entered appearance and thereafter Mr.V.Bhiman and S.Sasikala have entered appearance for the plaintiff. However, the matter was being listed on 15.09.2010 and 17.09.2010 only in the name of the earlier learned counsel, namely, Mr.A.Subramani Iyer, who is no more and therefore the suit was dismissed for default.

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3. The applicant had been making enquiries with his counsel and his counsel was also under the impression that the matter had not been listed. It was only thereafter that they came to know that the suit had been dismissed for default on 17.09.2010. Therefore, the present application has been filed and in the process, delay of 3393 days had occurred.

4. Mr.Perumbulavil Radhakrishnan learned counsel for the defendant would submit that the delay is inordinate and that the reasons are totally unsubstantiated.

5. Pursuant to the argument of the learned counsel, this Court had called for the cause list for the days 15.09.2010 and 17.09.2010. It is seen that the suit has appeared in the cause list in the name of the erstwhile counsel and not in the name of Mr.V.Bhiman and S.Sasikala.

6. However, considering the fact that from the year 2010 till the filing of the application, no serious steps had been taken by the applicant to verify the status of the suit he shall be put to terms.

7. Accordingly, the delay is condoned on condition that a sum of Rs.10,000/- is paid to the learned counsel for the respondent on or before 07.01.2021. Post the matter on 08.01.2021 for reporting compliance.

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22.12.2020



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