

C.M.P. No.7727 of 2016
in
A.S.No.95 of 2013

S.M.SUBRAMANIAM, J.

The Civil Miscellaneous Petition No.7727 of 2016 is filed to condone delay of 158 days in filing the restoration petition in MP.No.1 of 2015 in A.S.No.95 of 2013. The other petition is filed to restore the MP.No.1 of 2015. Perusal of the order passed by this Court on 29.09.2015 in MP.No.1 of 2015, the said order was passed on merits. This Court made an observation as follows in para 2 and 3.

"2. The learned counsel for the respondent would submit that the present petition is aimed at abusing the process of Court after having suffered an order of eviction, which came to be confirmed by the hierarchy of Courts and also by the Supreme Court in Special Leave Petition. A copy of the order passed in the Special Leave Petition has also been produced. Under the said circumstances alone, it seems the petitioner is making attempts to drag on the proceedings by seeking time for charging the counsel.

3. Considering the above said circumstances, this Court is of the view that the present petition deserves dismissal. Accordingly, the petition is dismissed."

2. In view of the fact that the order has been passed by considering the merits of the case, question of restoration of the miscellaneous petition would not arise at all. This being the factum, the petition filed to condone the delay as well as to restore the miscellaneous petition cannot be entertained. Consequently, the Civil Miscellaneous Petition No.7727 of 2016 stands dismissed.

3. The registry is directed to list the Appeal Suit for final hearing during next week.

02-01-2020

pkn

सत्यमेव जयते

WEB COPY