

C.M.P.No.20528 of 2019
in A.S.No.738 of 2006

S.S.SUNDAR, J.,

This petition has been filed to condone the delay of 533 days in filing the restoration petition for restoring the above appeal.

2. Though the petition for condonation of delay was allowed on payment of costs of Rs.25,000/- payable by the petitioner's counsel on or before 01.04.2020, the learned counsel for the petitioner submitted that due to Covid situation, he received the order copy only on 07.12.2020. The petitioner's counsel sent a letter. However, on a perusal of the letter of the petitioner's counsel, it is seen that the learned counsel for the respondent refused to receive the amount as the tender of the amount was not in compliance of the direction of this Court.

3. Though the learned counsel for the respondent is right while refusing to receive the payment, this Court is of the view that interest of justice will be well served if this petition is ordered by condoning the delay in payment. Reasonable time should be given to the petitioner to

make the payment. Since the delay from April to November 2020 is inordinate and this could have been avoided by showing due diligence by the petitioner, this Court is inclined to direct the petitioner to pay a further sum of Rs.2,000/- on or before 21.12.2020. The above payment of Rs.27,000/- shall be effected on or before 18.12.2020. As per the direction of this Court earlier, it will be taken that the petitioner has complied with the order of this Court dated 18.03.2020 in C.M.P.No.20528 of 2019, if the petitioner's counsel produce proof of payment of the said sum of Rs.27,000/- on or before 20.12.2020.

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11.12.2020

Note: Registry is directed to number the petition to restore the appeal in case proof of payment is produced.

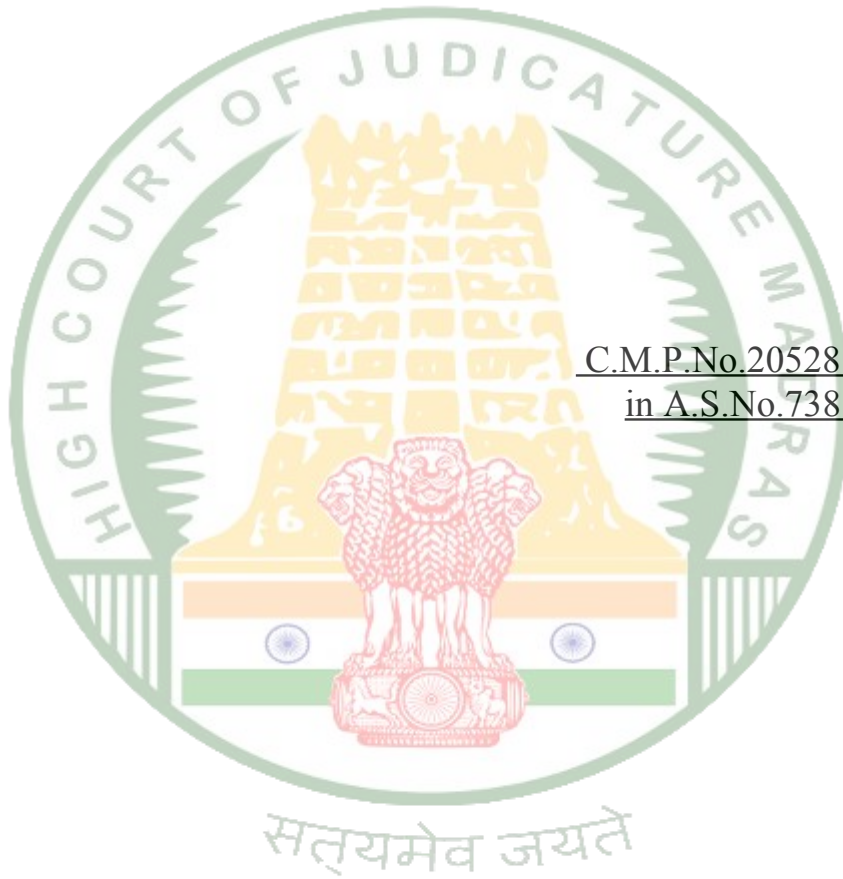
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in A.S.No.738 of 2009

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