

C.M.P.No.11096 of 2016
in Tr.C.M.P.No.274 of 2014

S.M.SUBRAMANIAM, J.

This civil miscellaneous petition is filed to condone the delay of 237 days in filing the petition to restore Tr.C.M.P.No.274 of 2014, which was dismissed for default on 20.07.2015.

2. The learned counsel for the petitioner states that he was not aware of the further developments occurred in respect of the main case.

3. However, the fact remains that the transfer petition was filed to transfer E.A.No.121 of 2013 in E.P.No.20 of 2012 in O.S.No.342 of 2010 from the file of the District Munsif Court, Sriperumbudur, to the file of the Subordinate Court, Kancheepuram, to be tried along with O.S.No.189 of 2011. The case was posted for hearing on 20.07.2015 “for orders”. As batta with petition was not represented, this Court granted time till 03.08.2015 and ordered for dismissal automatically in case of non-compliance. However, the conditional order passed by this Court has not been complied with and therefore, the petition was dismissed automatically.

4. The present restoration petition is filed after the delay of 237 days.

The petitioner has not stated any reason at all for the purpose of condoning such a huge delay. Uncondonable delay cannot be condoned in a routine manner.

Long delay can be condoned if the reasons furnished for such delay is candid and convincing. In absence of any valid reason, the Courts are not expected to condone such enormous delay. This being the principle to be followed, the petitioner has not assigned any acceptable reason for the purpose of condoning the delay of 237 days in filing the petition to restore Tr.C.M.P.No.274 of 2014.

In such view of the matter, this civil miscellaneous petition stands dismissed.

nsd

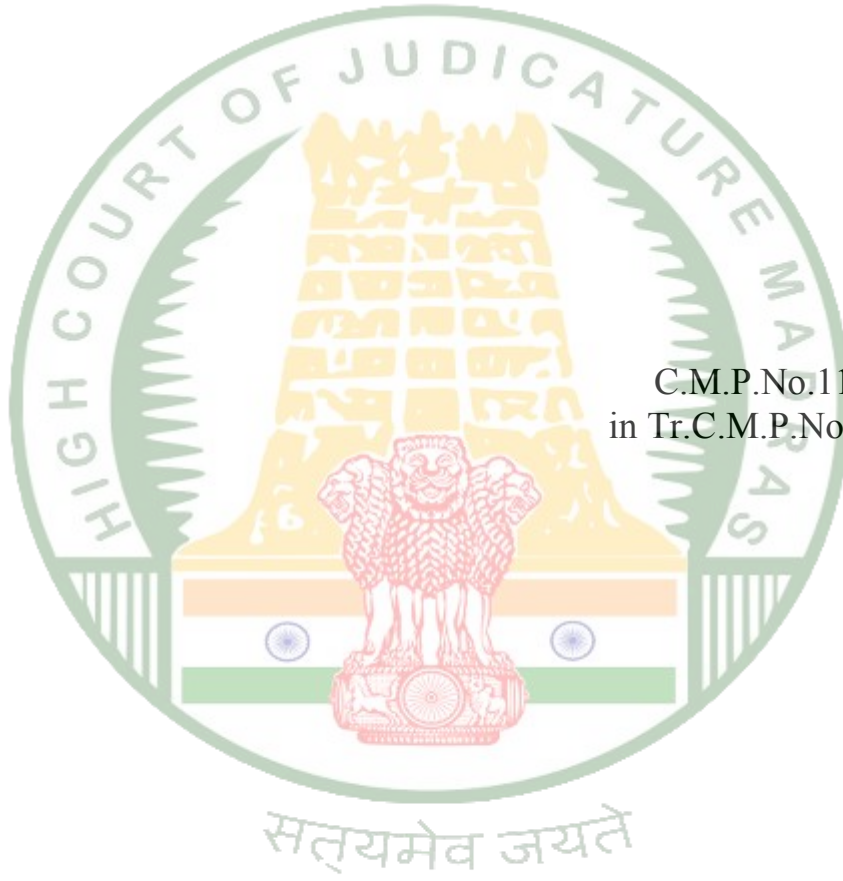
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