

C.M.P.No.11804 of 2021
in C.R.P.SR.No.64928 of 2018

G.CHANDRASEKHARAN.J.

This Civil Miscellaneous Petition has been filed to condone the delay of 559 days in representing the papers in this Civil Miscellaneous Petition.

2.The learned counsel for the petitioner submit that the petitioner filed I.A.No.112 of 2018 in O.S.No.161 of 2015 under Section 45 of Evidence Act r/w Section 151 CPC, to take the Left Thumb Impression of the respondents before the Chief Ministerial Official of the Trial Court and send it along with the promissory note dated 07.07.2014 to the Forensic Laboratory, Madras for Expert opinion by appointing an Advocate Commissioner. The said petition came to be dismissed on 19.07.2018.

3.As against the said order, the learned counsel for the petitioner preferred the Civil Revision Petition. Pending C.R.P., the main suit itself came to be dismissed for default on 21.08.2018.

4.Aggrieved against the dismissal order, he preferred two applications in I.A.Nos.629 and 630 of 2018 with the following prayers (i) to restore the suit and (ii) to condone the delay in filing the restoration application. However, both the applications were dismissed on 05.04.2019.

5.Challenging the order of dismissal, C.M.A.No.166 of 2020 was filed and the same was allowed by directing the restoration of the suit in O.S.No.161 of 2015.

6.The sequence of events narrated by the learned counsel for the petitioner shows that the petition filed for sending documents to get Expert opinion was dismissed and the suit in question is also dismissed for default.

Consequently, petition to restore the suit also dismissed. Now, the suit has been restored as per the order dated 25.03.2021 made in C.M.A.No.166 of 2020.

7.In the said circumstances, this Court is of the considered view that the delay in representing the papers with a delay of 559 days can be condoned, for disposing the case on merits. Accordingly, this Civil Miscellaneous Petition is ordered.

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04.08.2021

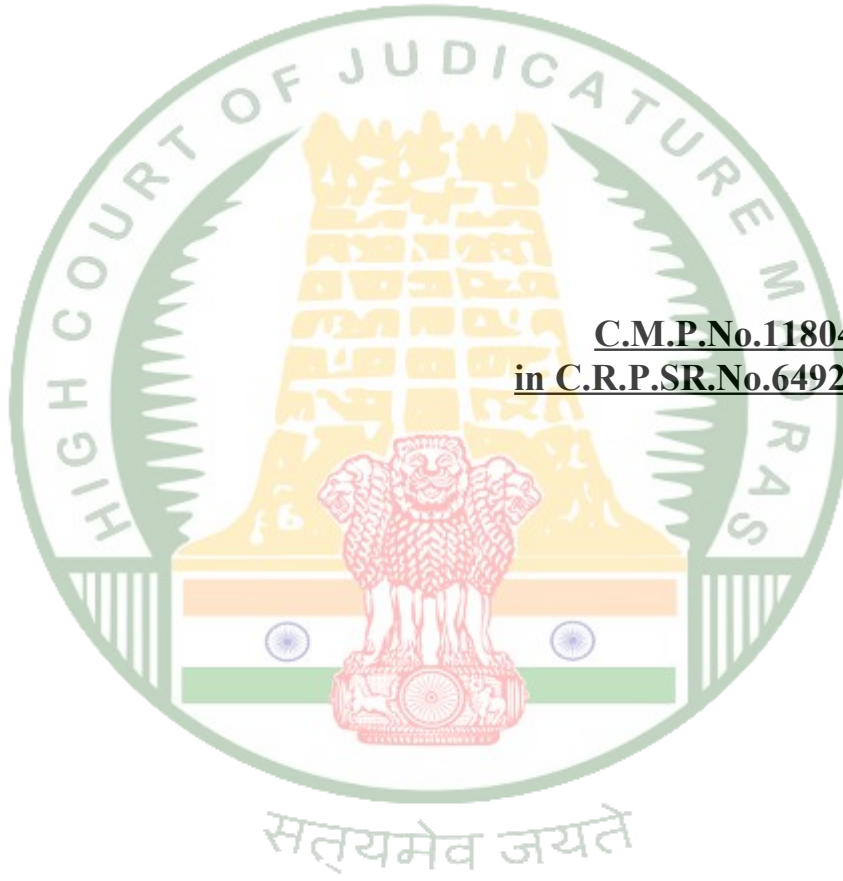


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