



C.M.P.No.2989 of 2022
in O.S.A.No.340 of 2008

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S.S. SUNDAR, J.
and
A.A.NAKKIRAN, J.

[Order of the Court was made by **S.S. SUNDAR, J.**]

This petition is filed to condone the delay of 4811 days in filing a petition to set aside the *ex parte* order passed in O.S.A.No.340 of 2008, dated 08.12.2008.

2.Despite the Original Side Appeal was disposed of by judgment dated 08.12.2008, this petition is filed with a delay of 4811 days. Though the petition is filed with a delay of 13 years and more, learned counsel appearing for the petitioner represented that he has handed over papers for some one to file change of vakalat. The representation of the petitioner's counsel, after taking adjournment on the earlier occasion and to report now that he is no more the counsel for the petitioner, cannot be accepted as a valid reason. This Court, even earlier, observed that the reasons stated for condoning the inordinate and exorbitant delay of 13 years is not justified in view of the inadequate reasons stated in the



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affidavit. The petitioner cannot be given further opportunity.

S.S. SUNDAR, J.
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A.A.NAKKIRAN, J.

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3.In view of the fact that the counsel has not given any reason for reporting "no instructions" and since it is reported that the counsel has given intimation to the petitioner, this Court finds no reason to give further opportunity. Therefore, this petition is **dismissed for non-prosecution.**

4.Registry is directed to mark a copy of this order to the petitioner.

(S.S.S.R., J.) (A.A.N., J.)
21.12.2022

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