



WEB COPY



A.No.1421 of 2022 in
C.S.No.160 of 1998

A.No.1421 of 2022
in C.S.No.160 of 1998

V.BHAVANI SUBBAROYAN,J.,

The applicant / plaintiff has come up with the present application seeking to condone the delay of 921 days in filing the application for restoring the suit in C.S.No.160 of 1998.

2. The learned counsel for the applicant / plaintiff submits that the connected suits, viz., C.S.Nos.158, 159 and 161 of 2018 were listed on 22.02.2022 and the learned counsel mentioned to include the present suit along with the other suits, however, he was shocked to be informed by the learned Judge that C.S.No.160 of 1998 was dismissed for non prosecution on 24.07.2019 itself. The learned counsel had not noted the listing of the C.S.No.160 of 1998 on 24.07.2019, therefore, the reason for dismissal of the suit for non-prosecution on 24.07.2019 is only due to the counsel, thereby seeks indulgence of this Court to allow the present application for restoration of the suit.



A.No.1421 of 2022 in
C.S.No.160 of 1998

WEB COPY

3. Mr.V.Perumal, learned counsel, submits that he has filed vakalath on behalf of the respondents / defendants and by way of detailed counter, he contends that the suit was dismissed for default on 24.07.2019. Thereafter, the plaintiff / applicant did not take any steps to restore the said suit. Further that, it is only on 27.02.2022, i.e., after two and half years, the plaintiff / applicant chose to file this present application. Also the learned counsel in support of his contention has relied on the Judgment of the **Hon'ble Supreme Court [Basawaraj & Anr. Vs. Special Land Acquisition Officer]** reported in (2013) 14 **SCC 81** and hence seeks to dismiss the application.

4. Heard the learned counsel on either side and perused the documents placed on record.

5. Though there is no valid reasons stated in the affidavit filed in support of the application and this Court is not satisfied with reasons stated in the affidavit and does not find any force in the submission of the applicant, only with a view to render justice, this Court is inclined to condone the delay of 921 days in filing the application for restoring the



A.No.1421 of 2022 in
C.S.No.160 of 1998

WEB COPY

suit in C.S.No.160 of 1998, on payment of Rs.10,000/-, as cost [Rupees Ten Thousand only] directly to Mr.Kamaraju, learned counsel for the respondents / defendants on or before 10.06.2022.

Registry is directed to verify and print the name of the learned counsel for the respondents / defendants and remove the name of M/s Aiyar and Dolia for the respondents / defendants and list the matter on 23.06.2022 after compliance of the above said condition.

27.04.2022

ssd



WEB COPY



A.No.1421 of 2022 in
C.S.No.160 of 1998

V.BHAVANI SUBBAROYAN, J.

ssd

A.No.1421 of 2022 in
C.S.No.160 of 1998

27.04.2022