



C.M.P.No.5909 of 2022
in A.S.SR.No.52237 of 2018

WEB COPY

C.V.KARTHIKEYAN, J.

The matter has been listed again in the additional list, owing to a request made by the Registry while examining the earlier order dated 07.04.2022 in CMP.No.5909 of 2022.

2.The appellant who had filed AS.SR.No.52237 of 2018 had filed two Civil Miscellaneous Petitions. One was to condone the delay in re-presenting AS.SR.No.52237 of 2018 and the other one was to condone the delay in paying the deficit court fees.

3.The Registry has numbered the application seeking to condone the delay in re-presentation. But, however, owing to the papers being mixed up, both, the learned counsel and the Court were under the impression that the petition, which had been numbered was the petition which was to condone delay in payment of deficit court fees and accordingly, this Court had passed an order on 07.04.2022 in CMP.No.5909 of 2022 condoning the said delay of 1347 days in paying the deficit Court fees of 4,250/-.

4.The Registry had now pointed out that the Civil Miscellaneous Petition which had been numbered as CMP.No.5909 of 2022 related to condonation of delay in re-presentation of the papers.



WEB COPY

5. In view of that particular fact, the order dated 07.04.2022 is recalled.

6. However, on examination of the affidavit filed in support of CMP No.5909 of 2022, it is seen that the appeal was filed on 09.07.2018 and the Registry had returned the same on 19.07.2018. It is stated in the affidavit that the Advocate on record had taken the records from the Registry to comply with the Returns. But unfortunately, the Court bundle was misplaced and thereafter, owing to Covid-19 Pandemic lock down, the chambers were locked and the bundle could not be located or traced. It was located only later, and immediately the appeal papers had been re-presented. However, there was a delay of 1320 days in re-presenting A.S.SR.No.52237 of 2018.

7. In view of the above reasons, the delay in re-presenting AS.SR.No.52237 of 2018 is condoned and the Civil Miscellaneous Petition is allowed.

8. The Registry is now directed to number CMP.SR.No.25447 of 2022, which application has been filed to condone the delay in payment of deficit Court fee and put it up for consideration before the appropriate Court.

29.04.2022



WEB COPY



C.V.KARTHIKEYAN, J.

smv

C.M.P.No.5909 of 2022
in A.S.SR.No.52237 of 2018

29.04.2022