



C.M.P.No.15803 of 2022
in
S.A.No.(SR).21342 of 2017

P.T. ASHA, J.

The above application is filed to condone the delay of 1017 days in filing the application for restoring the Second Appeal which has been dismissed on 15.06.2017 for the non appearance of the parties. Thereafter, the Second Appeal was dismissed for non compliance of the returns of the Registry. Hence, the Court had granted time till 29.06.2007 for rectifying the defects which was also not done by the petitioners. Therefore, the Second Appeal in SR Stage was dismissed for default.

2.The petitioner/appellant has now come forward with the application for condoning the delay. In her petition, she would contend that on 10.07.2017, her mother had passed away followed by her father's death. Therefore, she was involved in the obsequies of the parents. In the meanwhile, Covid pandemic had set in and there was a lock down. Therefore, being a party-in-person she found it difficult to understand the order and only after she had engaged the service of the present counsel she came to know about the reasons for the order. In the interregnum, the delay has occurred and the delay is neither willful nor wanton.



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Hence, the delay is condoned. The petitioner is granted time till 23.12.2022 to rectify the defects already pointed out by the Registry, failing which, the Second Appeal shall automatically stand dismissed. After rectification, the Registry is directed to number the restoration petition.

28.11.2022

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