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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the First day of July Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE M.DURAI SWAMY

and

THE HON`BLE MR.JUSTICE SUNDER MOHAN

CMP.No.10184 of 2022 in

OSA (CAD) . (SR) .No.18749 of 2019

S.ANBZHAGAN

[PETITIONER]

Vs

1 BHARMARI BAI (DECEASED)

[RESPONDENTS]

W/O.LATE HASTIMAL DHARMARAJ,
REP.BY POWER OF ATTORNEY HOLDER MR.LALITHKUMAR,
S/O.LATE HASTIMAL DHARMARAJ,
OLD NO.72,NEW NO.74, NARAYANA MUDALI STREET,
SOWCARPET, CHENNAI-600 079.

2 SOHAN

3 PRASANNA

4 HEENA

5 REKHA

6 SHEETAL HUNDIA

7 NEETU

8 BABUPAL

9 LALITH KUMAR

10 RAJKUMAR

11 MAHAVEER

(Respondents 1 to 11 brought on record as legal heirs of the deceased sole respondent, as per order dated 13.11.2017 in Application No.7193 of 2017)



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Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 885 days in representing the above appeal (CMP.No.10184 of 2022)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.P.SHANTHOSH, Advocate for the petitioner and of M/S.M.JAWAHAR, Advocate(CAVEATOR) for the Respondents, the court made the following order:-

(Order of the Court was made by M.Duraiswamy,J.)

There is a delay of 885 days in re-presenting the papers.

2.Today also the learned counsel for the respondents is not present.

3.In the affidavit filed in support of the petition, the petitioners have explained the reasons for the delay stating that their counsel Mr.S.Manohar had died in the month of August 2019. Further, the petitioners have stated that the papers were returned for complying with the defects on 27.05.2019, therefore, the papers could not be re-presented in time. After engaging a new counsel, the present counsel has re-presented the papers with delay of 885 days.

4.Though we are satisfied with the reasons stated in the affidavit filed in support of the petition, since the delay is on the higher side, the same can be condoned on payment of costs. Accordingly, the delay of 885 days in re-presenting the papers is condoned on condition the petitioner paying a sum of **Rs.1,500/- (Rupees one thousand and five hundred only) to the Hon'ble Chief Justice Relief Fund**, within a period of two weeks from the date of receipt of a copy of this order, failing which, it is made clear that the petition shall stand dismissed automatically without any further reference to this Court.

The petition is ordered.

-sd/-
01/07/2022
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

THE SUB-ASSISTANT REGISTRAR,
ORIGINAL SIDE,
HIGH COURT, MADRAS-104

COPY TO

THE SECTION OFFICER,
ACCOUNTS SECTION,
HIGH COURT, MADRAS-104.

Order
in
CMP.No.10184 of 2022 in

OSA(CAD) . (SR) .No.18749 of 2019

Date :01/07/2022

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