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C.M.P.No.10679 of 2022

in

C.R.P.No.3364 of 2014

J.NISHA BANU,J.

This petition has been filed to condone the delay of 1041 days in filing the petition to restore the above CRP.

2. Learned counsel for the petitioners would submit that during the 2nd week of June 2022, the petitioners caused verification about the stage of the C.R.P. through an Advocate Clerk known to them. The petitioners were shocked to know that the above CRP was dismissed by this Court for non-prosecution. It is seen from the order that when the case was posted on 17.07.2019 and 24.07.2019, there was no representation on behalf of the petitioners and the case was posted on 29.07.2019 'for dismissal' and on that date also, there was no representation and hence, the C.R.P. was dismissed for non-prosecution on 29.07.2019. When the petitioners came to know about the dismissal in the 2nd week of June, 2022, immediately, they contacted their Advocate and their Advocate on verification of records informed the petitioners that he was not keeping good health and therefore, he did not notice the posting of the case in the cause list. Thereafter, the petitioners engaged the present counsel and filed the petition for restoration.



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Hence, there is a delay of 1041 days in filing the petition.

3. The learned counsel for the petitioners would state that the petitioners have got good case on merits and if the delay of 1041 days in filing the petition to restore the above C.R.P. is not condoned, the petitioners will be seriously prejudiced.

4. Considering the submissions made by the learned counsel for the petitioners, this Court is of the considered view that no prejudice would be caused if the delay is condoned. Hence, the delay is condoned on payment of cost of Rs.2,000/- (Rupees Two Thousand only) by the petitioners to the Tamilnadu Legal Services Authority, Chennai, within a period of one week from the date of receipt of a copy of this order, failing which, this petition shall stand automatically dismissed, without any reference to this Court.

5. On payment of cost, Registry is directed to restore the C.R.P. and post the same for hearing on 04.08.2022.

22.07.2022

vsi

Note: Issue on 1.8.2022



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