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C.M.P.Nos.15815 & 16476 of 2021
&
C.M.A.Sr.Nos.101318 & 101320 of 2010

P.T. ASHA, J,

The main contesting respondent being the 4th respondent Insurance Company in both the petitions have filed counter affidavits stating that sufficient reasons have not been given for condoning the delay. However, a perusal of the orders dismissing M.P.No.2 of 2011 (Nos.2) for default indicates that on 13.10.2011 notice was ordered in the said petitions. However, the petitions were listed only on 09.01.2019 and immediately on the very next hearing i.e., 10.01.2019 the matter was listed under the caption “*For Dismissal*” and has been dismissed.

2. The reasons given in the Civil Miscellaneous Petitions therefore appears to be sufficient in the light of the above facts.

The reasons have been set out in detail in paragraph nos.4 and 5 of



the affidavits filed for condoning the delay in filing the restoration application. Therefore, the delay is condoned.

3. The learned counsel appearing for the contesting respondent has no objection to M.P.No.2 of 2011 (Nos.2) being restored to file and she also has no objection to the delay of 195 days in filing the appeal been numbered. Consequently, all the applications are ordered.

4. The Registry is directed to number the applications for restoring the petitions in M.P.No.2 of 2011 (Nos.2) and thereafter proceed to number the CMAs.

5. It is made clear that in the ultimate event of petitioner succeeding the case, they are not entitled to claim any interest for the period from the date of filing to the date of numbering of the Civil Miscellaneous Appeals.

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