



WEB COPY



C.M.P.No.15927 of 2019
in A.S.No.790 of 2012

C.M.P.No.15927 of 2019
in
A.S.No.790 of 2012

S.S. SUNDAR, J.
and
N. MALA, J.

[Order of the Court was made by **S.S. SUNDAR, J.**]

This petition is filed to condone the delay of 942 days in filing a petition to restore the appeal in A.S.No.790 of 2012, which was dismissed for default on 01.11.2016 for non-payment of Pleading bill.

2.The petitioner is the appellant in the above appeal, who is also the defendant in the suit. The petitioner earlier engaged a counsel by name Mr.Sathiyamurthy. However, the appeal was dismissed on 01.11.2016 for non-payment of Pleading bill. It is the case of the petitioner that she came to know only on 15.06.2019 about the fact that the above appeal was dismissed on 01.11.2016 for non-payment of Pleading bill. The petitioner, thereafter, tried to contact her counsel and she was informed that her counsel expired on 22.12.2015.



WEB COPY



C.M.P.No.15927 of 2019
in A.S.No.790 of 2012

S.S. SUNDAR, J.
and
N. MALA, J.

mkn

3.Since the petitioner's case that she did not know about the dismissal of the appeal is probable (as his counsel died on 22.12.2015) and the petition has been filed without any further delay after knowing about the dismissal of the appeal, this Court is of the view that the delay has been properly and satisfactorily explained by the petitioner. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is ordered.

(S.S.S.R., J.) (N.M., J.)
22.11.2022

mkn

C.M.P.No.15927 of 2019
in A.S.No.790 of 2012