



C.M.P.No.650 of 2023
in S.A.No.1319 of 2009

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T.V.THAMILSELVI, J.

This Petition has been filed to condone the delay of 280 days in filing the above petition to set aside the dismissal order dated 28.10.2021 passed in S.A.No.1319 of 2009 and thereby restore the above appeal.

2. The learned counsel for the petitioner submitted that during the pendency of the above appeal the management of the petitioner mosque was changed and the new management was not award of the above Second Appeal. He further submitted that the delay is neither willful nor wanton. If the delay is not condoned and the appeal is not restored, petitioner will be put to great prejudice and irreparable loss.

3. The learned counsel for the respondents raised strong objection, stating that in CRP proceedings he obtained order to dispose the final decree application expeditiously. The appellant came to know that, purposely allowed the second appeal as default, with an intention to drag on the proceedings.



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4. Heard the learned counsel for the petitioner and the learned counsel for the respondents and also perused the materials available on record.

5. On being satisfied with the averments stated in the affidavit filed in support of the petition and the submissions made by the learned counsel on either side, the petitioner is directed to pay a sum of Rs.3,000/-(Rupees Three thousand only) to the learned counsel for the respondents, within a period of two week from today and on such payment the delay of 280 days in filing application for restoration is condoned of the said Second Appeal.

6. Accordingly, this Civil Miscellaneous petition is allowed.

10.08.2023

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