



C.M.P.No. 12900 of 2023

in

S.A. No. 1493 of 2011

T.V. THAMILSELVI, J.

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This petition has been filed seeking to condone the delay of 295 days in filing the petition to set aside the order dated 11.02.2022 dismissing the above Second Appeal for default.

2. Mrs.S.Vasanthi, learned counsel for petitioner/appellant submitted that pending appeal, the petitioner's earlier counsel on record died on 10.11.2019, however, the above appeal was dismissed for default on 07.02.2022. So, there is no communication about the dismissal of appeal to the petitioner, due to which, there is a delay of 295 days arisen in filing the petition to set aside the dismissal order. Accordingly, she has filed the above petition praying to condone the delay.

3. On considering the nature of claim and also considering the pendency of suit before the trial court and on considering the reasons stated in the affidavit seems to be justifiable one, this Court is inclined to condone the delay and accordingly, this petition is ordered.

4. Registry is directed to number the petition if it is otherwise found to be in order and post the matter on 02.08.2023.

14.07.2023



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T.V.THAMILSELVI, J.

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