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C.M.P.No. 9856 of 2023
in
A.S. SR. No. 91300 of 2019

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 1344 days in payment of deficit court fee of Rs.4280/- in the above appeal A.S.SR.No. 91300 of 2019 before this court.

2. Mr.R.Marudhachalamurthy, learned counsel for petitioner submitted that at the time of filing the appeal, the clerk, who filed the appeal affixed the court fee of Rs.900/- alone and due to oversight and mistake, he failed to affix the balance court fee of Rs.4280/-. Subsequently, he has paid the court fee only on 19.07.2019 while representing the appeal papers. Hence, there is a delay of 1344 days in payment of deficit court fee and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.

3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one. Accordingly, this court is inclined to allow this petition and Registry is directed to number the Appeal Suit if it is otherwise found to be in order.

28.04.2023

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