



C.M.P.No. 10078 of 2023
in
A.S. SR. No. 66126 of 2019

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 1407 days in payment of deficit court fee of Rs.74447/- in the above appeal A.S.SR.No. 66126 of 2019 before this court.

2. Mr.A.Tamilarasan, learned counsel for petitioner submitted that the appellant is the owner of the property and to challenge the arbitration award, he preferred the above appeal on 03.06.2019, which was returned for certain compliance. However, the bundle was misplaced in the office of appellant's previous counsel and hence, he could not represent the papers within time. Furthermore, at the time of filing the appeal, due to health issues, the appellant unable to mobilise fund, so, he affixed the court fee of Rs.1000/- only. Subsequently, he has paid the court fee only in the month of April 2023, while representing the appeal papers. Hence, there is a delay of 1407 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.

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