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A.No.2259 of 2022
in Arb.O.P.Dr.No.11408 of 2022

A.No.2259 of 2023
in A.No.4801 of 2022
in Arb.O.P.Dr.No.11408 of 2022

KRISHNAN RAMASAMY, J.

This Application has been filed seeking to set aside the order dated 30.03.2023, passed by the learned Master in A.No.4801 of 2022 in Arbitration OP (Diary) No.11408 of 2022.

2.Learned Master dismissed the application filed by the applicant seeking to condone delay of 110 days in representing the original petition for the reasons stated as follows:

“There is no whisper of single piece of word about the reason for the delay. This affidavit is completely silent about the explanation for the reason of delay. This kind of affidavit shall be thrown at the threshold. There is no explanation for the delay in the affidavit filed in support of the application. Therefore this application is dismissed.”

3.According to the learned Master, no reason has been provided by the applicant for the delay in representation. However, paragraph No.3 of the affidavit filed by the applicant states as follows:



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“I further state that I calculated the days to represent the said Arbitration O.P incorrectly and represented the same on 06.09.2022 further upon representing it is found that there occurred 110 days in representing the said Arbitration O.P.”

4.A perusal of the above paragraph would show that the applicant had calculated the delay incorrectly and re-presented the same on 06.09.2022. Further upon re-presentation, it was found that the delay was 110 days and that is the reason provided by the applicant for the delay.

5.Therefore, this Court is of the view that though the applicant has provided the reason for the delay, the learned Master has stated that no reason has been provided by the applicant and dismissed the application. Hence, this Court being satisfied with the reason stated by the applicant for the delay, is inclined to condone the delay with costs.

6.Accordingly, the delay of 110 days is condoned subject to the payment of costs of Rs.2,000/- (Rupees Two Thousand Only), payable to the Tamil Nadu State Legal Service Authority, within a period of two



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weeks from the date of receipt of a copy of this order and the order of the
learned Master dated 30.03.2023 is set aside.

7. With the above directions, this Application is disposed of.

12.06.2023

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KRISHNAN RAMASAMY, J.



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