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C.M.P.No.11814 of 2022
in A.S.No.908 of 2004

G.K.ILANTHIRAIYAN, J.

This petition has been filed to condone the delay of 3976 days in filing the petition for restoration to restore the appeal in A.S.No.908 of 2004.

2. A perusal of the affidavit filed in support of the condone delay petition revealed that the petitioner is the appellant. He filed a suit for partition in respect of the property situated in Door No.33, Plot No.11 to an extent of 3370 sq.ft, situated at V.O.C.Street, T.Nagar, Chennai-17. The said suit was dismissed and aggrieved by the same, the petitioner preferred an appeal suit.

3. When the matter was listed on 06.07.2011, no one appeared on behalf of the appellant either by person or through pleader. Therefore, the matter was listed under the caption “For Dismissal”, on 08.07.2011. On that day, no one was present and as such, this Court dismissed the appeal suit for non prosecution.

4. The reasons stated in the affidavit to condone the huge delay of 3976 days in filing the petition that the petitioner did not know about the



result of the appeal suit due to no proper legal advise and lack of knowledge of Court proceedings. It is seen that the petitioner engaged a counsel and he was working under the appeal suit. However, on the date of hearing, no one was present. Therefore, the reasons stated in the affidavit cannot be accepted and as such, this Court is not inclined to condone the huge delay of 3976 days in filing the petition for restoration.

5. Therefore, this Civil Miscellaneous Petition is dismissed.

06.12.2023

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