



C.M.P.No. 13214 of 2023
in
A.S. SR. No. 146838 of 2022

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 109 days in payment of deficit court fee of Rs.78000/- in the above appeal in A.S.SR.No. 146838 of 2022 before this court.

2. Mr.P.M.Duraiswamy, learned counsel for petitioner submitted that the above appeal was filed on 23.12.2022 and the same was returned by the Registry on 02.01.2023 for compliance of certain defects. While being so, due to petitioner's mother under medical treatment for cancer, he was not able to hand over entire court fee to the counsel at the time of filing the appeal. So, he paid part payment of court fee. Now, he is ready to pay the remaining court fee, however, there is a delay of 109 days in payment of deficit court fee arose 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 and post the matter for admission on 10.07.2023.

30.06.2023

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