



A.No.3586 of 2023
in
C.S No.33 of 2004

A.A. NAKKIRAN, J.

This application is filed to condone the delay of 1969 days in filing the application to restore suit in C.S. No.33 of 2004.

2.The learned counsel for the applicant submits that since the petitioner company was not aware of demise of the erstwhile counsel, they could not file restore application within the stipulated time. It was neither wilful nor wanton for non filing the restore application in time.

3.The learned counsel for the respondents 1 to 4 submits that this application has been filed without filing any permission petition before this Court. Further, this is the 3rd application for restoration of the suit since 2018, wherein there is no proper reasons given for the delay in filing the restore petition. Thus, he raised the objections in allowing the said application.

4. Heard both sides.

5. Having considered the facts and circumstances and being satisfied with the reasons stated in the affidavit filed in support of the application, this application is allowed on payment of cost of Rs.5,000/- to Sri Arunodayam Charitable Trust, 45, Sivananda Nagar, Kolathur, Chennai-99 in the account No.50100196910687 maintained in HDFC Bank, on or before 11.09.2023

6.Post on 12.09.2023 for reporting compliance.

04.09.2023



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A.A. NAKKIRAN,J.

Lbm

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