



WEB COPY



C.M.P.No.16890 of 2023

in

A.S.No.469 of 2020

R.SUBRAMANIAN, J.

and

R.KALAIMATHI, J.

Though this application has been filed for seeking condonation of delay of three days in filing the petition to restore the appeal, which was dismissed for non-prosecution, on perusal of the papers, we find that actually there is no delay.

2.On 10.02.2023, when the appeal was listed under the default list, this Court passed the following order:-

“Three weeks time is granted to comply with the defects as pointed out by the Registry failing which, the appeal will stand automatically dismissed without further reference to this Court.”

3.The petition for restoration was filed on 15.03.2023. The learned counsel would submit that since the Registry insisted that the date of dismissal of the appeal is 10.02.2023 and not any other subsequent date therefore, the petition filed on 15.03.2023 is belated. Hence, he had filed the petition for condonation of delay. We find that it is a mistake. The

R.SUBRAMANIAN, J.



WEB COPY



and
R.KALAIMATHI, J.

KKN

order dated 10.02.2023 only shows that three weeks time is granted to the appellant to comply with the defects. If the defects are not rectified, the appeal will stand automatically dismissed. Therefore, the appeal will stand dismissed only on 03.03.2023. The application for restoration has been filed on 15.03.2023 i.e., within 30 days from 03.03.2023. Therefore, the appeal is well within time. Hence, this petition for condonation of delay is dismissed as unnecessary.

3.Registry is directed to number the restoration petition, if it is otherwise in order and list it for hearing.

4.Registry is directed to print the name of the learned counsel for the appellant with proper initial in future.

(R.S.M., J.) (R.K.M., J.)
23.08.2023

kkn

C.M.P.No.16890 of 2023
in
A.S.No.469 of 2020