



CMP.No.14129 of 2023

C.M.P.No.14129 of 2023

in

S.A.No.350 of 2012

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T.V.THAMILSELVI, J.

This Petition has been filed to condone the delay of 450 days in filing application for restoration of Second Appeal in S.A.No.350 of 2012.

2. The learned counsel for the petitioners submitted that the appellant's Counsel at Chennai has passed away and his wife had called the clients and intimated about the demise of the counsel and instructed to get the bundle back. Thereafter, the 1st petitioner verified the status of the case and he came to know that the Second Appeal was dismissed for non-prosecution, on 14.02.2022. Therefore, he filed an application for restoring the appeal. He further submitted that the delay is neither willful nor wanton. If the delay is not condoned and the appeal is not restored, petitioners will be put to great prejudice and irreparable loss.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondent and also perused the materials available on record.



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4. On being satisfied with the averments stated in the affidavit filed in support of the petition and the submissions made by the learned counsel on either side, the petitioners are directed to pay a sum of Rs.2,000/-(Rupees Two thousand only) to the learned counsel for the respondent, within a period of one week from today and on such payment the delay of 450 days in filing application for restoration is condoned of the said Second Appeal.

5. Accordingly, this Civil Miscellaneous petition is allowed.

25.07.2023

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