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**C.M.P.No. 5830 of 2023**

**in**

**S.A. No. 163 of 2020**

**T.V. THAMILSELVI, J.**

This petition has been filed seeking to condone the delay of 58 days in filing the petition to set aside the order dated 11.04.2022 dismissing the Second Appeal for non-prosecution and to restore the S.A.

2. Ms.R.V.Gayathri, learned counsel for petitioner/appellant submitted that as the petitioner's erstwhile counsel on record expired due to Covid-19, he was asked to contact his clerk to get the papers. Thereafter, he came to know that the above appeal was dismissed for default on 11.04.2022, thereby he was hastening to file the present petition to restore the appeal. In view of the same, there is a delay of 58 days in filing the above petition. Hence, he has filed the above petition to condone the delay and to restore the S.A.

3. Mr. J.Shanmuga Sundara Babu, learned counsel for 2<sup>nd</sup> respondent and Mr.M.Kirubakaran, learned counsel for 1<sup>st</sup> respondent appeared and submitted that they have no objection in allowing this petition.



4. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit, this Court is inclined to allow this petition and to restore the above second appeal.

5. Post the matter on 06.10.2023.

**28.08.2023**

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**T.V.THAMILSELVI, J.**

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