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C.M.P. Nos. 18367 & 18370 of 2023 in
A.S.No. 283 of 2014

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in
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T.V.THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed to condone the delay of 105 days in preferring the above petition to restore the A.S.No.208 of 2014, and to set aside the order dated 01.03.2023, which was dismissed for non-prosecution.

2. Today, when the matter taken up for hearing, both learned counsel for petitioner and the learned counsel for respondents 1 to 6 appeared.

3. Mr. C.P.Sivamohan, learned counsel for Petitioner/Appellant would submit that as the counsel on record name was not printed in the cause list on the date of hearing, they are not able to represent the matter on that day. Subsequently, on verification of records, they came to know about the dismissal of above appeal and the non-appearance on that date was only due



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to the aforesaid reason. Thereafter, he has taken steps to restore the above appeal, but there is a delay of 105 days in filing the petition. The delay is neither willful nor wanton, but only due to the above facts. Hence, he filed these petitions to condone the delay as well as to set aside the order dated 01.03.2023.

4. Mr.N.D.Sathish Raaj, learned counsel appearing for respondents 1 to 6 appeared and he has raised his formal objections.

5. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit filed in support of the petitions, this Court is inclined to allow these petitions to condone the delay of 105 days and to set aside the order dated 01.03.2023 passed by this Court and also to restore the above appeal.

6. Post the matter on 12.10.2023.

28.08.2023

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