



**C.M.P.No. 17997 of 2023**

**in**

**S.A. No. 501 of 2014**

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

This petition has been filed seeking to condone the delay of 1326 days in filing the petition to restore S.A.No.501 of 2014, which was dismissed for non-prosecution on 14.11.2019.

2. Mr.N.Ponraj, learned counsel for petitioners/appellants submitted that due to ill-health of the 1<sup>st</sup> petitioner and also due to Covid-19 pandemic situation, they are not able to contact his counsel. Thereafter, they came to know that the above appeal was dismissed for default on 14.11.2019, thereby he was hastening to file the present petition to restore the appeal. Hence, the petition to restore was not filed in time. In view of the same, there is a delay of 1326 days in filing the above petition. Hence, he has filed the above petition to condone the delay and to restore the S.A.

3. Considering the fact that as the defendants, they are having valid defence to contest the suit, which was filed by the plaintiff seeking for specific performance and if the above second appeal is not restored, their



right to defend the case would be defeated. Therefore, this Court is inclined to allow this petition and to restore the above second appeal.

4. In spite of notice, there is no representation on the side of respondent.

5. Post the matter on 12.10.2023.

**26.09.2023**

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