



C.M.P.Nos.18378 & 18379 of 2023

in

S.A. Nos. 1263 & 1264 of 2010

T.V. THAMILSELVI, J.

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These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 453 days in filing the petition to restore the above Second Appeals, which were dismissed for default on 28.10.2021.

2. Mr.S.Shyamala, learned counsel for petitioners/appellants submitted that as the 1st petitioner only taking care of legal proceedings till his death, the petitioners 2 to 5 are not aware of the proceedings. So, there is lack of communication between counsel on record and the petitioners, so, the counsel on record unable to appear before this court on the date of hearing on 28.10.2021 and the second appeals were dismissed for default on that day. Only when the Corporation came with the eviction notice, they came to know about the said dismissal of Second Appeal. In the said circumstances, there is also delay of 453 days in filing the petition to set aside the exparte order and the delay is neither willful nor wanton. Now, they have filed the above petitions to condone the delay in filing the above petitions to restore the above S.A.s.

3. Dr.S.Suriya, learned Addl. Government Pleader appearing for 1st respondent and Ms.P.T.Ramadevi, learned standing counsel for 2nd respondent raised strong objections stating that purposely, they have not



proceeded with the appeal and only in order to drag on the proceedings, they have filed these petitions. Hence, they prayed to dismiss these petitions.

4. But, the learned counsel for petitioners would submit that they were in long possession and they were forcibly thrown away from their possession and they are having valid defence to prove their case. Hence, they prayed to allow these petitions.

5. Considering the facts and circumstances, and being satisfied with the reasons assigned in the affidavit filed in support of the petitions, in order to give fair opportunity, this Court is inclined to condone the delay in filing the petitions to restore the above Second Appeals.

6. Post the matters on 26.09.2023.

30.08.2023

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