



Application No.5305 of 2023

Application No.5305 of 2023

and

Application No.4556 of 2023

in

Arb.O.P.D.No.129023 of 2018

C.SARAVANAN, J.

Notice on the respondents have been served. Despite service of notice on the respondents, there is no representation on their behalf.

2. In view of the above, Court is inclined to taken up this petition and dispose it of on merits. The petition has been filed for condoning the delay of 14 days in filing the Application.D.No.129180 of 2023 in Application No.4556 of 2023 in O.P.D.No.129023 of 2018.

3. The petitioner has stated as follows:

“I state that Application No.4556 of 2023 was dismissed on 05.09.2023 and against the said dismissal order, I filed Master Appeal Application being Application D.No.129180 of 2023 on 08.09.2023 before the Original Side filing section to set aside the Hon'ble Master order. I state that I filed the Application D.No.129180 of 2023 on 08.09.2023 itself which is well within the time limitation to file Master Appeal i.e., 8 days. I state that however the Application D.No.129180 of 2023 was not taken on record



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in the Original Side filing section and was kept idle in the section. I state that after enquiring, the papers in Application D.No.129180 of 2023 were identified and thereafter I was advised to file the same through online mode initially as per the guidelines of E-filing issued by the Hon'ble Madras High Court for Arbitration Cases. I state that due to this reason the time limitation to file Master Appeal expired even though I had filed within limitation period and presently I filed E-filing of the present Master Appeal Application being Application D.No.129180 of 2023 on 19.09.2023. I state that hence there is a delay of 14 days in filing the Application D.No.129180 of 2023. I state that the said delay is neither willful nor wanton but due to the aforesaid bonafide reason caused in the Original side filing section.”

4. The reasons stated in the affidavit is reasonable.

5. Considering the same, the delay is condoned and this application stands allowed.

02.11.2023

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