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Application No.211 of 2023

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in

I.P.No.21 of 2019

C.SARAVANAN, J.

The learned counsel for the petitioner in I.P.No.21 of 2019 has filed this application under Order II Rule 1 of the Insolvency Rules read with Section 90(5) of the Presidency - Towns Insolvency Act, 1909 (Act No.3 of 1909), praying to condone the delay of 189 days in filing the Restoration Application SR.No.107783 of 2023 dated 17.08.2023.

2. The reasons stated in the affidavit reads as under:-

"2. I state that the petitioner above named has filed and Insolvency Petition vide I.P.No.21 of 2019 and the same was dismissed for default on 09.01.2023.

3. I state that I unable to appear before this Honorable High Court on 09.01.2023 due to my pregnancy and another junior handle this matter and the case papers was misplaced. However since the said bundle was mixed up with some other case bundle and could not be traced out for considerable time due to overt sight.

4. I state that after long search, I traced the case bundle now only and then I preferred restoration application before this Honorable High Court on 17.08.2023, i.e., 189 days after the statutory period of 20 days.

5. I state that the delay caused in filing the restoration application is neither willful nor wanton but reason stated above which is a bonafide one. Hence same may be condone, otherwise the petitioners will be put to greater hardship."



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3. Being satisfied with the reasons stated in the affidavit filed in support of this application, Court is inclined to condone the delay of 189 days for filing Restoration Application SR.No.107783 of 2023.

4. This application is, thus, allowed.

13.10.2023

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