



**Application No.216 of 2023
in Arb.O.P.(Com.Div.) DR.No.82894 of 2022**

WEB COPY

KRISHNAN RAMASAMY, J.

This Application has been filed for setting aside the order dated 21.12.2022 passed by the learned Master in Application No.5856 of 2022, for condoning the delay of 96 days in representing the petition Arb.O.P.(Com.Div.) Diary No.82894 of 2022.

2. The learned counsel for the applicants submitted that the delay of 96 days in representing the petition Arb.O.P.(Com.Div.) Diary No.82894 of 2022 has occurred only because of the reason that the applicants took some time for arranging the Court fee of Rs.1,00,000/- and getting approval from the departmental authorities. However, the applicants have paid the entire Court fee of Rs.1,00,000/- in the original petition. He further submitted that without considering the reasons adduced by the applicants for the delay, the learned Master has dismissed the Application No.5856 of 2022.

3. The case as referred by the learned Master was that is pertaining to the Court fee, where, even at the time of representation, no full Court has been paid. But, in this case, part of the Court fee has been paid by the applicants at the time of representation and thereafter, they have paid the entire Court fee of Rs.1,00,000/-.



WEB COPY

4. It is a well settled law that in case where the whole or part of court fees has not been paid, even after filing the suit, the Court may, in its discretion, allow the person to pay the insufficient Court fee at any point of time. Therefore, having been satisfied with the reasons stated by the applicants in the affidavit filed in support of the application, this Arbitration Application is allowed and the order dated 21.12.2022 passed by the learned Master in Application No.5856 of 2022 is set aside, thereby, the delay of 96 days in representing the above Arb.O.P.(Com.Div.) Diary No.82894 of 2022 is condoned.

12.01.2023

mrr



WEB COPY



KRISHNAN RAMASAMY, J.

mrr

**Application No.216 of 2023
in Arb.O.P.(Com.Div.) DR.No.82894 of 2022**

12.01.2023