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C.M.P.No. 17732 of 2018

in

A.S. No. 48 of 2013

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 622 days in filing the petition to set aside the order dated 01.12.2016 dismissing the above Appeal for default.

2. Mr.V.V.Sairam, learned counsel for petitioner/appellant submitted that the 1st petitioner through his counsel on record before the trial court came to know that the appeal was dismissed for default for not submitting copy of grounds to the 2nd respondent and the counsel on record before this court also unaware of dismissal until he informed him, since he was under the impression that his erstwhile clerk already complied with the requirement. However, due to his non-appearance, the appeal was dismissed for default on 01.12.2016. So, there is no communication about the dismissal of appeal to the petitioners, due to which, there is a delay of 622 days arisen in filing the petition to set aside the dismissal order. Accordingly, he has filed the above petition praying to condone the delay.



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3. On considering the nature of claim and also on considering the reasons stated in the affidavit seems to be justifiable one, this Court is inclined to condone the delay and accordingly, this petition is ordered.

4. Post the matter on 24.08.2023.

08.08.2023

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