



C.M.P.No.1278 of 2024
in C.R.P.No.3719 of 2019

S.SOUNTHAR,J.

The petition is filed seeking to condone the delay of 125 days in presenting the petition to restore the civil revision petition in C.R.P.No.3719 of 2019, which was dismissed for default on 30.08.2023.

2. In the affidavit filed in support of the condone delay petition, it is stated by the petitioner that his previous counsel returned the papers by Registered Post on 30.08.2023, but he failed to open the envelope due to stress and depression.

3. The respondent herein filed counter affidavit and opposing the condone delay petition on the ground that the petitioner is dragging on the proceedings unnecessarily and the reasons assigned in the affidavit are not sufficient to condone the delay.

4. Having regard to the length of delay and the reasons assigned in the affidavit filed in support of the condone delay petition, this Court deems it appropriate to impose cost on the petitioner for his failure to file petition seeking restoration of civil revision petition in C.R.P.No.3719 of 2019 in time. The petition is allowed on payment of cost of Rs.5,000/- (Rupees Five Thousand only) by the petitioner to the respondent within a period of two weeks from today.

5. The learned counsel for the petitioner is directed to pay cost by way of Demand Draft in the name of the respondent and the Demand Draft may be handed over to the learned counsel for the respondent. In case, the cost is not paid by the petitioner within the time stipulated, the civil miscellaneous petition shall stand automatically dismissed without further reference to this Court.

14.02.2024

dm



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