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C.M.P.No.4203 of 2024

C.M.P.No.4203 of 2024
in
A.S.SR.No.109829 of 2023
(Filing Number)

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by M.SUNDAR. J]

Captioned 'Civil Miscellaneous Petition' [hereinafter 'CMP' for the sake of brevity, convenience and clarity] has been filed with 'Condonation of Delay' ['CoD' for the sake of brevity] prayer qua 145 days delay in representation of the captioned appeal being A.S.SR.No.109829 of 2023.

2. Mr.P.Neethi Kumar, learned counsel of M/s.Waraon and Sai Rams (Law Firm) on behalf of petitioner/appellant is before us.

3. To be noted, name of a learned counsel (Ms.R.Roshini) is shown as counsel for caveator in the cause list but there is no representation. Further to be noted, the cause list shows that R1 is the caveator

4. Be that as it may, reverting to the captioned CMP as it is a CoD prayer qua representation, it is a matter between the Court and the petitioner. In this view of the matter, presence of caveator counsel is really not necessary.



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5. As regards captioned CMP, Mr.P.Neethi Kumar, learned counsel drew our attention to paragraph No.3 of the support affidavit and submitted that it was solely counsel error as counsel did not take return of case file returned by Registry for certain objections / compliance. Learned counsel also submits that there was some confusion regarding the Court fee owing to transfer of the suit.

6. Considering the facts and circumstances of the case, the nature of the matter, the manner in which parties are circumstanced and taking into account the innocuous nature of the prayer, delay is condoned i.e., captioned CMP is ordered as prayer for. There shall be no order as to costs

[M.S., J] [K.G.T., J]
23.02.2024

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