



C.M.P.No.9957 of 2023

C.M.P.No.9957 of 2023
in
A.S.No.290 of 2016

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

[Order of the Court was made by
K.GOVINDARAJAN THILAKAVADI, J.,]

Captioned 'Civil Miscellaneous Petition' [hereinafter 'CMP' for the sake of convenience and clarity] has been preferred to condone the delay of 35 days in filing the restoration petition to set aside an order dated 21.12.2022 passed in A.S.No.290 of 2016.

2. The main appeal has been preferred against a judgment and decree dated 02.12.2015 passed in O.S.No.187 of 2010 on the file of the District Court No.II Kanchipuram. This appeal was dismissed on 21.12.2022 for non-prosecution.

3. According to the petitioner, the said fact was brought to the knowledge of the petitioner by her counsel belatedly. It is the contention of the petitioner that non-appearance of counsel for petitioner was neither willful nor wanton but due to inadvertence only.



C.M.P.No.9957 of 2023

M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

mk

4. Mr.K.Govi Ganesan, learned counsel for the petitioner reiterates the same and submits that if the delay is not condoned, the petitioner will be put to irreparable loss and hardship.

5. On the other hand, Mr.N.Nithianandam, learned counsel submits that he has no serious objection in allowing the CMP.

6. Therefore, considering the facts and circumstances of the case and in the interest of justice, the above CMP is allowed and the delay is condoned.

7. Registry is directed to number the restoration petition and list the same before this Court.

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

14.03.2024

mk

C.M.P.No.9957 of 2023

in

A.S.No.290 of 2016