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C.M.P.No.29609 of 2023

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in
S.A.SR.No.111329 of 2013

P.T.ASHA, J.,

The above petition is filed for condoning the inordinate delay of 3,560 days in paying the deficit Court fee of Rs.9,500.50/-. Prior to this petition, the petitioner has filed a petition in C.M.P.No.22499 of 2023 for condoning the delay in filing the second appeal and this Court, taking note of the averments made in paragraphs 3 and 4 of the affidavit filed in support of the said petition, wherein, the petitioner had stated that the delay had occurred only on account of the fact the advocate to whom papers had been entrusted for filing the appeal in time and to whom the expenses and fees had also been paid, had informed the petitioner that the appeal had been filed, but, he had not processed the same and the filing was also not done properly, as a result of which, the Registry had returned the papers and whenever the petitioner had asked the advocate about the status of the appeal, he was informed that the same was yet to



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be numbered and he had also believed the same.

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2. Thereafter, it appears that the petitioner's son had taken over the responsibility to follow up the second appeal and he had come to know that the papers had not been re-presented and after that, the petitioner had taken back the brief from the erstwhile lawyer and entrusted the same to the present lawyer after complying with the returns.

3. However, in the process, there is a delay in re-presenting the petition, which had come up before this Court to condone the delay and number the same. The said petition was allowed and the delay in re-presenting the appeal was condoned by this Court by an order dated 19.12.2023 on condition of payment of costs. The said order dated 19.12.2023 had also been complied with and therefore, the Registry is directed to number the petition.

4. Now, the present petition is filed for condoning the delay of



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3,560 days in paying the deficit Court fee which was one of the returns made by the Registry.

5. Considering the fact that the delay in re-presenting the second appeal has been condoned for the very same reasons which are set out in the present petition, this petition is allowed and the delay of 3,560 days in paying the deficit Court fee is condoned.

**09.01.
2024**

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