



CMP.No.21144 of 2023
in CMA.SR.No.57402 of 2016

N.ANAND VENKATESH, J

This petition has been filed to condone the delay of 1698 days in filing the petition to restore the CMP.No.9339 of 2017 which was dismissed for default on 04.01.2019.

2.The petitioner filed CMP.No.9339 of 2017 to condone the delay of 296 days in representing the appeal. This petition was allowed by an order dated 04.01.2019 with a condition that the petitioner must pay cost of Rs.500/- to the High Court Legal Services Authority within a period of one week from the date of receipt of a copy of this order, failing which, this petition shall stand automatically dismissed. Since this conditional order not complied with, the petition in CMP.No.9339 of 2017 stood automatically dismissed.

3.The present petition was filed to restore CMP.No.9339 of 2017 with a delay of 1698 days.



N.ANAND VENKATESH, J

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4. When the matter came up for hearing on 23.04.2024, this Court directed the counsel to file an affidavit in this case. The affidavit filed in support of the Civil Miscellaneous Petition puts the entire blame on the counsel. Accordingly, the matter was listed for hearing today and the counsel has also filed an affidavit.

5. This Court is convinced with the reasons assigned in the affidavit filed by the counsel and it is seen that there was some omission in noting down the conditional order, as a result of which, the cost was not deposited on time.

6. In the light of the above discussion, this petition is allowed and the delay is condoned.

04.06.2024

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2/2



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