



C.M.P.No. 21052 of 2023

in

S.A. No. 661 of 2007

T.V. THAMILSELVI, J.

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This petition has been filed seeking to condone the delay of 518 days in filing the petition to set aside the order dated 13.07.2021 dismissing the Second Appeal for non-prosecution.

2. Mrs.R.Meenal, learned counsel for petitioner/appellant submitted that pending appeal, sole respondent died on 03.08.2010 and she was not given particulars of legal heirs, but it was wrongly observed by this court as if the counsel on record handed over the case bundle as well as change of vakalat and subsequently it was dismissed. However, there is a delay of 518 days in filing the petition, which is neither willful nor wanton. Hence, she has filed the above petition to condone the delay and to restore the S.A.

3. Mr.D.Ravichander, learned counsel appearing for respondents 2 to 8 wanted to file objections.

4. On considering the nature of claim and also considering the fact that the case is pending from the year of 2007 and to avoid further complications, this Court is inclined to condone the delay with a condition that the learned counsel for petitioner shall pay a cost of Rs.1500/- to the contesting respondents within a period of one week from the date of receipt of copy of this order. On such payment of cost, this petition is ordered and the Second Appeal is restored.

5. Post the matter on 18.09.2024.

02.09.2024

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