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Crl.M.P.No. 2828 of 2024

in

Crl.O.P. No. 2717 of 2021

T.V. THAMILSELVI, J.

This petition has been filed seeking to restore the Crl.O.P.No. 2717 of 2021 on the file of this court, which was dismissed for default.

2. Mr.P.Divakar, learned counsel for petitioner submitted that earlier this court ordered private notice and though the private notice taken, during Covid-19 pandemic lock down, entire files containing case bundle was rehabilitated by termination and so, proof would not be placed before this court. Apart from that, the case bundle had to be reconstructed and due to unforeseen circumstances, the private notice could not be effected. While so, the petition was called and the same was dismissed on 03.10.2023 due to failure on the part of petitioner in taking private notice to the respondent. The failure to take private notice is neither willful nor wanton but due to the aforesaid reasons. On coming to know about the same through e-court services, he has filed the above petition to restore the above Crl.O.P.



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3. Considering the facts and circumstances and being satisfied with the reasons assigned in the affidavit filed in support of the petition, this Court is inclined to allow this petition and to restore the above Crl.O.P.

4. Post the matter for hearing on 27.02.2024.

21.02.2024

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