



C.M.P.No.29296 of 2023
in S.A.No.108 of 2005

G.ARUL MURUGAN, J.

C.M.P.No.29296 of 2023 is filed to condone the delay of 97 days in filing the restoration petition in S.A.No.108 of 2005 which was dismissed for non-prosecution on 07.06.2023.

2.Learned counsel on record for the petitioner/appellant has filed affidavit stating that in the month of June 2023, he met with an accident and has been taken treatment for the period between 01.06.2023 and 29.09.2023 in Muthu Multi Specialty Clinic, Triplicane, Chennai. Only after recovery, he resumed practice on 03.10.2023 came to know that the above appeal was dismissed for non-prosecution.

3.Learned counsel appearing for the contesting respondents 1 to 3 submit that they have no objection in condoning the delay.

4.The respondents 5 to 8 even though notice has been served in the Second Appeal, no one has entered appearance.



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5.Having satisfied with the reasons stated in the affidavit and taking into account the accident met with by the learned counsel for the petitioner/appellant, this Court is inclined to condone the delay and accordingly, the delay is condoned on payment of cost of Rs.2,500/- to the High Court Legal Services Authority within a period of three weeks, failing which the petition shall stand automatically dismissed.

18.01.2024

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