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*C.M.P. No.29441 of 2023
in A.S. SR. No.69450 of 2023*

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**M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

(Order of the Court was made by M.SUNDAR, J.)

Captioned 'Civil Miscellaneous Petition' (hereinafter 'CMP' for the sake of brevity) has been filed with a prayer for 'Condonation of Delay' (hereinafter 'CoD' for the sake of brevity) qua 126 days delay in re-presentation.

2. Mr.R.Sri Krishna Bhagavat, learned counsel for petitioner/appellant adverting to paragraph 2 of the support affidavit submits that the appeal papers were returned but the return and messages regarding return were missed and that has resulted in delay. Learned counsel submits that on coming to know about the return of papers, needful has been done.

3. Owing to the facts and circumstances of the case, we accept the reason for delay as regards re-presentation but we make it clear that as regards delay in paying deficit court fee, a separate CMP has to be taken out and notice will be ordered in the same as filing with deficit court fee does not arrest limitation.



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4. Captioned CMP i.e., C.M.P. No.29441 of 2023 is ordered as prayed for i.e., delay in re-presentation alone condoned subject of course to aforementioned rider.

5. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
10.01.2024

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