



C.M.P.No.1799 of 2024
in S.A.No.157 of 2006

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G.ARUL MURUGAN, J.

This Civil Miscellaneous Petition is filed to condone the delay of 2264 days in filing the petition to restore the Second Appeal, which was dismissed for non-prosecution on 06.09.2017.

2. Learned counsel for the petitioner/appellant submits that the petitioner is appellant in S.A.No.157 of 2006 and respondent in S.A.No.663 of 2006. He would further submit that while they were diligently prosecuting the matter, S.A.No.157 of 2006 alone was listed on 06.09.2017, which was not noticed, as the case bundle was kept along with the connected S.A.No.663 of 2006; only later, when the connected appeal was taken up, they came to know about the order of dismissal passed by this Court in S.A.No.157 2006 and, immediately thereafter, they have filed the present petition to restore the appeal, during which a delay of 2264 days has occurred.

3. Learned counsel appearing for the respondents submits, that, since the issue in the connected appeal is pending, they do not have any objection to allow this Civil Miscellaneous Petition, as both the Second Appeals could be argued and decided on merit together.



4. Heard the learned counsel for the parties and perused the affidavit.

5. Having been satisfied with the reasons stated in the affidavit filed in support of the petition and since there being no objection from the opposite side, I am inclined to allow this Civil Miscellaneous Petition, however, on payment of costs.

6. Accordingly, this Civil Miscellaneous Petition is allowed, subject to payment of costs of Rs.3,000/- by the petitioner to Tamil Nadu State Legal Services Authority, Chennai, within a period of two weeks, failing which this petition shall stand dismissed automatically.

7. Petitioner is to file a Memo along with Receipt to the effect of payment of costs before the Registry.

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