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C.M.P.No. 12393 of 2024 in
S.A.SRNo.72486 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2025

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THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 12393 of 2024

AND

SA SR NO. 72486 OF 2017

MADURAVASISNI
and another

Appellant(s)

Vs

C Natarajan(died)
Rep by his Legal Heir
1. Velmurugan

Respondent(s)

For Appellant(s):

Ms. P.Veena Suresh

ORDER

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 1769 days in filing the petition to restore S.A.SR.No.72486 of 2017, which was dismissed for default on 28.03.2019.

2. Ms.P.Veena Suresh, learned counsel for petitioners/appellants



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submitted that along with connected Second Appeal in S.A.No.530 of 2019, this Second Appeal was filed and they were under the impression that both appeals were numbered. Hence, they are not able to notice the default list. Now only they came to know, this Second Appeal is in SR stage and thereafter, they took steps to trace the bundle, but there is a delay of 1769 days arose filing the petition to restore the same, which is neither willful nor wanton, but due to the aforesaid reasons. Accordingly, he has filed the above petition to condone the delay and to restore the S.A.

3. Despite service of notice, none appeared on behalf of respondent. Considering the facts and circumstances, and the fact that this Second Appeal is pending from the year of 2017 and to avoid multiplicity of proceedings and the reasons stated by the petitioner in the affidavit seems to be justifiable one and also the fact that the first appellant is a senior citizen, this Court is inclined to allow this petition and to restore the above second appeal on condition that the petitioners shall pay a cost of Rs.2000/- payable to the Tamil Nadu State Legal Services Authority, Chennai within a period of three weeks from the date of receipt of copy of this order.

4. Registry is directed to number the above Second Appeal if it is



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otherwise found to be in order and post the matter on 24.03.2025.

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N.B. : Issue order copy on 31.01.2025

T.V.THAMILSELVI, J.



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