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WMP No.17913 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WMP No.17913 of 2023

in WP No.9284 of 2019

1.M/s.V.V.Home Makers Pvt Ltd
Rep By Its Managing Director,
R.Veeraraghavan,

2.R.Veeraraghavan

Petitioners

versus

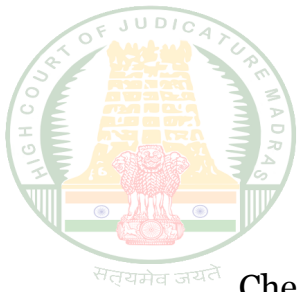
1.The Authorised Officer, P.R.Sankar
Dewan Housing Finance Corporation Ltd,
No.Kalpalathika Tower,
Old No.24, New No.36, III Floor,
Dr.Ambedkar Road, Ashok Nagar Main Road,
Kodambakkam, Chennai- 600 024.

2.Joseph Balasundar

3.Joyce Balaselvi

4.The Registrar,
Debt Recovery Appellate Tribunal,
Chennai 600 008

5.The Registrar,
Debts Recovery Tribunal I,



WMP No.17913 of 2023

Chennai 600 002

Respondents

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Prayer : Petition filed to condone the delay of 89 days in filing the set aside default dismiss for default order dated 09.03.2022 and restore the same in WP No.9284 of 2019

For Petitioners: MR.M.Theivakumar

ORDER

(Order of the Court was
made by the Hon'ble Chief Justice)

This application is for condoning the delay of 89 days in filing restoration application. Petition came to be dismissed for default vide an order dated 9.3.2022. The application has been filed on 8.7.2022. Counsel states that the application is coming up for the first time today and this Court has to issue notice.

2. In the affidavit filed, the reason given is that second petitioner was not well since October, 2021, and he had undergone cataract eye surgery on 15.11.2021. He says that thereafter, he was unwell and Doctors had advised him to take bed rest for six months as he was suffering from vertigo and sicaba.



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3. There are no medical reports annexed.

4. Thereafter, it is stated that the advocate, when he checked the last date of hearing on 5.7.2022, realised that the petition has been dismissed on 9.3.2022 itself, for default. Immediately, steps were taken and on the following day, the application has been filed.

5. There is nothing given in the affidavit as to why the advocate did not remain present in Court on 9.3.2022. Therefore, we are not satisfied that there is any acceptable explanation given.

6. Petition stands dismissed.

(K.R.SHRIRAM, CJ.)

(SUNDER MOHAN, J.)

02.07.2025

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