



WEB COPY

CMP No. 9718 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

CMP No. 9718 of 2023

in S.A.No.1085 of 2008

1. Kamala
w/o chinnapaiyan, Vedugathampatti Village,
Thirumalagiri village, Salem Tk

2. Suresh
s/o chinnapaiyan, Vedugathampatti Village,
Thirumalagiri village, Salem Tk

3. Premalatha
w/o Baskar, Vedugathampatti Village,
Thirumalagiri village, Salem Tk

4. Jayalakshmi
w/o Murugan, Vedugathampatti Village,
Thirumalagiri village, Salem Tk

Appellant(s)

Vs

1. The Block Development Officer
Salem Panchayat Union, Salem

Respondent(s)

**PRAYER**

to condone the delay of 982 days in seeking to set aside the order of dismissal dated 14.11.2019.

For Appellant(s): T.Sezhian

For Respondent(s): Mr.B.Tamilnidhi, AGP (CS)

ORDER

This is an application filed to condone the delay of 982 days in filing the application to set aside the order of dismissal of default dated 14.11.2019.

2.The reason given in paragraph No.6 of the affidavit is that when the appeal was listed for hearing, the counsel had sent a registered letter to the appellant calling upon him to come over and give instructions. As the petitioner was residing in a remote village, the letter was returned as “No Such Addressee”. The petitioner further states that his mother has fallen sick and therefore, as the son, he had to be with her in order assist her recuperation. By the time COVID intervened and hence, he could meet the counsel only in August, 2022. At that time, he came to know that the appeal had been dismissed for default and immediately he filed an application for restoration.

3.Though the period of delay seems to be enormous; the period from March, 2020 and August, 2022 when the Country was suffering due to pandemic, will necessarily have to be excluded. If the said period is excluded,



the number of days delay is not much. Further, the reason that the appellant was taking care of his mother is plausible. Giving the benefit of doubt to the appellant, the delay of 982 days is condoned and this petition stands allowed.

16-10-2025

krk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

NOTE: Office is directed to number the restoration petition.

To

1. The Block Development Officer
Salem Panchayat Union, Salem



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V.LAKSHMINARAYANAN J.

krk

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