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C.M.P. No. 17595 of 2025  
in C.M.A.No.2682 of 2017

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**in**  
**C.M.A.No.2682 of 2017**  
**T.V. THAMILSELVI, J.**

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 201 days in filing the above restore petition in C.M.A.No. 2682 of 2017.

2. Mr.Jerry V.V.Sundar, learned counsel for petitioner submitted that since the counsel on record name was wrongly spelled as Jeny V.V.Sundar in the cause list, he could not check the matter in the cause list. Hence, when the matter was taken up for hearing, there is no representation on behalf of appellant. Accordingly, the above appeal was dismissed for default. Subsequently, due to illness, he could not file the petition to restore the appeal within a stipulated time. Therefore, there is a delay of 201 days in filing the above restore petition, which is neither willful nor wanton. Hence, he filed this petition to condone the delay in filing the above restore petition.

3. Mr.M.J.Vijayaraghavan, learned counsel for 2<sup>nd</sup> respondent appeared and raised objections stating that the reason for the delay was not properly explained. Hence, he prayed to dismiss this petition.

4. Considering both side submissions and considering the facts and circumstances and the reasons stated by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition. The interest for the delay period is ordered to be waived.

**06.08.2025**

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