

A.No. 4384 of 2025 and A.No.4385 of 2025
in
OP.DR.No.50284 of 2024

MASTER
09.09.2025

Common Order

There are two applications filed by the applicant. A.No.4384 of 2025 is filed to condone the defect in presentation of OP.D.No.50284/2024. A.No.4385/2025 is filed to condone the delay of 441 days in representing the original petition in OP.D.No.50284/2024.

The reason stated for the defective presentation is that due to inadvertence instead of filing prayer for grant of letters for administration, grant of probate has been mentioned and hence the same may be condoned. The reason for delay of 441 days is that, the papers were returned on 06.05.2024 for rectification of certain mistakes and for non production of legal heir certificate and after strenuous efforts made by the applicant he was able to obtain the legal heir certificate from the Tahsildar office, Egmore Taluk and hence the above said delay in representing the original petition.

Now the point to be decided is that whether these applications are to be allowed or not?

This court has come across an order of our Hon'ble Division Bench in OSA.No. 66 of 2023 to condone the delay of 267 days in representation in an application in which the Hon'ble Division Bench condoned the delay by deleting the cost imposed. The extracted portion is hereunder.

“It is seen that the delay has occurred only in respect of re-presenting the original petition filed against the award passed by the first respondent Arbitrator and not in filing the same. Admittedly, this Court has dealt with umpteen number of cases, extending some leniency for condoning the delay. Applying the same analogy and also considering the explanation offered by the appellant for the delay in re-presenting the petition papers, this court is inclined to modify the order of the learned Judge, by deleting the costs of Rs.25,000/- imposed on the appellant, while condoning the delay in re-presenting the petition.”

This order of Hon'ble Division Bench was followed by the Hon'ble Single Judge in A.No. 1219 of 2023 in Arb.OP.DR.NO. 9142 of 2022 and the same was allowed without cost. The portion extracted is hereunder.

"In view of the earlier order passed by the learned single Judge in Applicatiion No. 1232 of 2023 dated 03.03.2023 which had been modified by the Division Bench of this Court in O.S.A.No. 66 of 2023 by judgment dated 29.03.2023, I am inclined to set aside the impugned order passed by the Learned master.

Accordingly, this application is allowed. However, there shall be no order as to costs".

Following the orders passed by our Hon'ble Division Bench in OSA.No. 66 of 2023 which was followed by the Hon'ble Single Judge in A.NO. 1219 of 2023 in Arb.OP.DR.No. 9142 of 2022, this court has no hesitation to take lenient view in allowing the application to condone the delay in representation.

Accordingly, these applications are allowed. No order as to costs.

MASTER

A.No.4077 of 2023

in

OP.D.26471 of 2022

ORDER PRONOUNCED

MASTER

28.08.2023