



CMP NO. 27041 of 2024
IN CMP SR No. 54636 of 2024
IN SA NO. 571 OF 2007

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-01-2025**

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THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMP NO. 27041 of 2024

IN

CMP SR No. 54636 of 2024

IN

SA NO. 571 OF 2007

Allimuthu

Appellant(s)

Vs

Selvaraj
and another

Respondent(s)

For Appellant(s):

Mr. Sunil Kumar R

For Respondent(s):

Mrs.R.Meenal for R1

ORDER

This petition has been filed seeking to condone the delay of 135 days in representing the above petition in C.M.P. SR.No.54636 of 2024 in S.A.No.571 of 2007.

2. Mr.R.Sunil Kumar, learned counsel for petitioner submitted that the petitioner had filed the above Second Appeal, in which this Court



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WEB COPY

ordered notice and even after taking effective steps, the service could not be reached to 2nd respondent. On 24.02.2023 this court passed a conditional order to take a notice to 2nd respondent on or before 09.03.2023 and if it is not complied, the Second Appeal stand dismissed. Thereafter, he has preferred a restoration petition and the Registry returned the petition and the same was represented on 08.05.2024. However, unfortunately, the papers were mixed up with other case bundle and after due search, it was traced out. Hence, there is a delay of 135 days in representing the paper. Therefore, he filed this petition to condone the delay in representing has been filed to set aside the order of dismissal for default and to restore the same.

3. Mrs.R.Meenal, learned counsel 1st respondent appeared and raised objections stating that to drag on the proceedings, this petition has been filed.

4. Considering the facts and circumstances, and the fact that the this Second Appeal is pending from the year of 2007 and to avoid multiplicity of proceedings and the reasons stated by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition without prejudice to objections made by the 1st respondent. Registry is directed to number the petition if it is otherwise found to be in order and post the matter on 29.01.2025.

07.01.2025

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T.V.THAMILSELVI, J.

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in
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in
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07.01.2025

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