



A.Nos.2116 & 2117 of 2026

in

C.S (Comm.Div.) DR.No.73645 of 2026

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MASTER

18.06.2026

COMMON ORDER

1. There are two applications filed by the applicant/plaintiff before this Court. A.No.2116 of 2026 is filed to condone the delay of 35 days in representing the suit. The reason stated for the delay is that the court fee of Rs.2,00,000/- earlier paid before the Pondicherry District Court has been locked and it took sometime for the applicant to take necessary steps to get the same released by filing appropriate application. Further, the e-filing portal of the applicant's counsel was not functioning and had some glitch which took sometime in uploading files and hence the delay occurred.

2. A.No.2117 of 2026 is filed to condone the delay of 67 days in payment of the deficit court fee of Rs.2,00,000/-. The reason stated for the delay is that only when the Registry returned the papers the applicant's counsel learnt that the earlier court fee paid before Pondicherry District Court which has been locked could not be adjusted towards the present suit and so the delay occurred.

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

4. 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 a similar application in which the Hon'ble Division Bench condoned the delay on appeal 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



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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.”

5. 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 Application 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".

6. 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 this application and is inclined to allow these applications.

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

MASTER