



C.M.P.No.28344 of 2024
in
S.A.No.629 of 2006

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V.LAKSHMINARAYANAN, J.,

As ordered by this Court, on 10.02.2026, the petitioner has caused the publication in one issue of “Makkal Kural” dated 17.02.2026.

2. No one represents the 6th respondent.

3. Notice was already been served on the other respondents.

4. I have gone through the affidavit. This application seeks to condone the delay in filing the application to restore the Second Appeal, which had been dismissed for default on 24.02.2023. The affidavit points out that a junior counsel had been given the responsibility to file and number the applications. Unfortunately, the said junior counsel had left the Office of the counsel for the appellant in March 2023. Only thereafter, the party came to know about the situation and took out an application to condone the delay in filing the application to restore the Second Appeal.



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5. During the course of hearing of the Second Appeal, a party is not present in Court. The responsibility for handling the brief is given to the counsel. For the mistake committed by a junior counsel, the party need not be suffer. This position has been clearly laid down by the Supreme Court in ***Rafiq & Anr vs Munshilal & Anr [AIR 1981 SC 1400]***.

6. I am satisfied with the reasons stated in the affidavit filed in support of the petition, the delay is condoned and this petition is allowed.

7. Registry shall number the application to restore the Second Appeal and post it for hearing next week.

26.02.2026

ssn



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