



C.M.P.(MD)No.15109 of 2025
in
W.A.(MD)SR.No.5709 of 2025

N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

This petition is filed seeking to condone the delay of 150 days in filing the petition to set aside the order dated 07.03.2025 made in CMP(MD)No.1216 of 2025 in W.A.(MD)SR.No.5709 of 2025, whereby, this Court condoned the delay of 18 days in filing the writ appeal subject to payment of cost of Rs.500/- to High Court Legal Services Committee attached to this Bench. According to the learned counsel, the cost could not be paid in time, but paid of course with delay.

2. Though the learned counsel for the 1st respondent would contend that instead of seeking extension of time to pay the cost, the petitioner has sought to set aside the abovesaid order dated 07.03.2025. Even in filing the set aside petition also, there is a delay of 150 days. Hence, the present petition has been filed.

3. Learned counsel for the petitioner would submit that since there was default clause in the said order, due to non payment of cost in time, CMP(MD)No.1216 of 2025 itself has been dismissed automatically



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and therefore, he has filed the set aside petition and the present petition to condone the delay in filing the petition to set aside.

4. Considering the nature of the dispute in the appeal which has not been dismissed on merits, whereas only on the ground of non payment of cost and taking note of the fact that the cost has now been paid of course with delay, we are inclined to allow this petition and restoration petition as well as CMP(MD)No.1216 of 2025.

5. Post the matter on 30.04.2026.

[N.S.K., J.] & [M.J.R., J.]
27.04.2026

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