

Balakrishnan vs Vimala

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Court : Chennai Orders

Decided On : Mar-28-2025

Judge : Honourable Mr Justice R. Suresh Kumar, Honourable Dr. Justice A.D. Maria Clete

Appeal No. : CMP/4838/2025

Appellant : Balakrishnan

Respondent : Vimala

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR AND THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE C.M.A.Nos.999 of 2024 & 4802 of 2019 Balakrishnan .. Petitioner in both CMPs Vs. Vimala .. Respondent in both CMPs Prayer in C.M.P.No.4838 of 2025: Petition filed under Section 5 of the Limitation Act, 1963, to condone the delay of 41 days in filing the petition to restore to file the C.M.A.No.999 of 2024,

which was dismissed for non-prosecution on 04.12.2024; and

Prayer in C.M.P.No.4842 of 2025: Petition filed under Section 5 of the Limitation Act, 1963, to condone the delay of 41 days in filing the petition to restore to file the C.M.A.No.4802 of 2019, which was dismissed for non-prosecution on 04.12.2024. For the Petitioner in both CMPs :
Mr.Suyesh Palande For the Respondent in both CMPs :
Mr.R.Muralidharan

COMMON ORDER

(Order of the Court was authored by R.SURESH KUMAR, J.)
C.M.A.Nos.999 of 2024 and 4802 of 2019 were posted for hearing before a Division Bench of this Court, where the learned counsel for the petitioner/appellant was not ready to get along with the cases. At his request, these matters were adjourned to 03.12.2024 with a rider that on that date, if the cases are not argued, orders would be passed based on the available records. However, on 03.12.2024, there was no representation on behalf of the petitioner/appellant. Hence, in order to give one more chance, these cases were posted on 04.12.2024 under the caption for dismissal. Even on 04.12.2024, there was no representation for the petitioner/appellant. Therefore, the Division Bench decided to dismiss these appeals for default by the order dated 04.12.2024.

2. Now, the present petitions are filed to condone the delay of 41 days in filing the petitions to restore C.M.A.Nos.999 of 2024 and 4802 of 2019, which were dismissed for non-prosecution on 04.12.2024.

3. We have gone through the proceedings recorded at earlier

occasions, where, we find that the petitioner/appellant dealt with these matters in a cavalier manner, as he was not appearing before this Court on two occasions. After the cases were dismissed for default, now,

petitions have been filed, that too with the delay of 41 days. It shows the scant respect given by the petitioner/appellant before this Court.

4. Therefore, we feel that, in fact, these petitions have to be

dismissed, however, Mr.Suyesh Palande, learned counsel appearing for the petitioner/appellant made a request that one more chance may be given to the petitioner/appellant to show his bonafide to get along with the cases on merits.

5. In order to give such chance, as last chance, we feel that

these petitions could be allowed, however, on terms. Therefore, these petitions are allowed on condition that the petitioner/appellant shall pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) in each case to the High Court Legal Services Committee, High Court of Madras, within four weeks from today, failing which, these petitions

shall get dismissed automatically without any further reference to this Court. (R.S.K., J.) (A.D.M.C., J) 28.03.2025 Neutral Citation:Yes/No Note: Issue order copy on 28.03.2025 drm To:

1. The Member Secretary High Court Legal Services Committee High Court of Madras, Chennai.

R. SURESH KUMAR, J.

AND

A.D.MARIA CLETE, J.

(drm) C.M.A.Nos.999 of 2024 & 4802 of 2019 28.03.2025

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