**MEMORANDUM OF CONDONATION FOR DELAY**

BEFORE THE -----------

STATE CONSUMER DISPUTES REDERESSAL COMMISSION

AT CHENNAI

MISC PETITION         /2012

 IN ORIGINAL PETITION 164/2001

BETWEEN

Ponnian, S/o Chelliyan & Another

                                   ......      Petitioners/Complainants

AND

Dr. Beula Justin, W/o Justin & others                   .Respondents/Opposite Parties

**MEMORANDUM OF CONDONATION FOR DELAY**

The above marginal named Complainants most respectfully beg, pray and humbly submit as follows: -

 1.       We are the complainants in the above complaint and state that we know the facts of the case.

2.       It is humbly submitted that this condonation for delay application is before this Hon’ble State Commission from a judgment dismissing for default the complaint No. 164/2001 of the complainants on 14.10.2011 and with an appeal for the restoration and recall of the above-mentioned complaint.

3.       It is humbly submitted that this prayer with a request for condonation of delay for an extension of time to file this petition before this Hon’ble State Commission.  On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the first counsel engaged withdrew from the complaint without any prior intimation to the complainants, and on 08.02.2012 after the receipt of certified copies of the order of this Hon’ble State Commission with an 30 days extension expired U/S \_\_\_ this petition is before this Hon’ble State Commission with a delay in filing after \_\_\_\_\_ days.

4.       It is humbly submitted that with fact and conclusions of law, the defense counsel adequately utilized alternatives in deferring the case for past 10 years and has submitted his application in transfer of case after 10 years without any expert opinion and depositions of the facts related to complaint on \_\_\_\_\_\_\_.

5.       It is further humbly submitted that the erstwhile counsel engaged is in no further correspondence with the complainants and has not returned the documents which are mandatory to prosecute complaint before this Hon’ble State Commission which has caused a considerable amount of delay in filing the Miscellaneous petition before this Hon’ble State Commission.

 6.        It is humbly prayed that based upon the totality of the circumstances mentioned above this Hon’ble State commission may be pleased to consider the prayer of the complainants in granting the condonation for delay in appearing before this Hon’ble State Commission for justice and equity.

7.       It is humbly submitted that this Hon’ble State Commission on scrutinising facts and circumstances in the accompanying application, may please construe facts and circumstances as "sufficient cause" for condoning the delay. The facts and circumstances elucidated in the accompanying application involves the question of "substantial justice", where gross delay of \_\_\_\_\_\_\_\_ days, deserves to be condoned in the overall interest of justice. On the other hand if condoning the delay being denied it would seriously undermine the cause of justice, resulting into miscarriage of justice for the complainants.

VERIFICATION

We, Ponnian,S/o Chelliyan and Johnsi Rani,W/o Ponnaian, do hereby verify that the contents from paragraphs 1 to 13  are correct and true to the best of my knowledge and belief, the rest of the contents are based on legal advice, which I believe to be true. Affirmed at Chennai this 04 Day of April 2012. Place: Chennai

Complainants

 Date:

A common standard version is appendend for Kind perusal:: follow along with your adv of counsel:::: It is humbly submitted that this condonation for delay application is before this Hon’ble State Commission from a judgment dismissing for default the complaint No. 164/2001 of the complainants on 14.10.2011 and with an appeal for the restoration and recall of the above-mentioned complaint. The complainant humbly submit their prayer with a request for condonation of delay for an extension of time to file this petition before this Hon’ble State Commission along with an amendment petition. On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_the first counsel engaged withdrew from the complaint without any prior intimation to the complainants, and on 08.02.2012 after the receipt of certified copies of the order of this Hon’ble State Commission with an 30 days extension expired U/S \_\_\_ this petition is before this Hon’ble State Commission with a delay in filing after \_\_\_\_\_ days. It is humbly submitted that with fact and conclusions of law, the defense counsel adequately utilized alternatives in deferring the case for past 10 years and has submitted his application in transfer of case after 10 years without any expert opinion and depositions of the facts related to complaint. It is further humbly submitted that the erstwhile counsel engaged is in no further correspondence with the complainants and has not returned the documents which are mandatory to prosecute before this Hon’ble State Commission which has caused a considerable amount of delay in filing the Miscellaneous petition before this Hon’ble State Commission.  It is humbly prayed that based upon the totality of the circumstances mentioned above this Hon’ble State commission may be pleased to consider the prayer of the complainants in granting the condonation for delay in appearing before this Hon’ble State Commission for justice and equity. It is humbly submitted that this Hon’ble State Commission on scrutinising facts and circumstances in the accompanying application attributing delay may please construe facts and circumstances as "sufficient cause" for condoning the delay. The facts and circumstances elucidated in the accompanying application involves the question of "substantial justice", where gross delay of \_\_\_\_\_\_\_\_ days, deserves to be condoned in the overall interest of justice. On the other hand if condoning the delay being denied it would seriously undermine the cause of justice, resulting into miscarriage of justice for the complainants.