

M.DURAI SWAMY, J.

There is a delay of 785 days in re-presenting the Appeal in A.S.(SR).No.9893 of 2016.

2.In the affidavit filed by the learned counsel for the petitioners, it has been stated that the returned papers were received back by their office for complying with the defects. However, the certified copy of the decree was misplaced in their office. In spite of best efforts taken in their office, the same could not be traced. Further, it has been stated that during the 3rd week of April 2016, a complete search was made in each and every bundle, including the disposed of bundles as well as in the bundles sent to Madurai office and the certified copy of the decree was found in a disposed of Second Appeal bundle. After tracing the certified copy of the decree, the papers were re-presented on 25.04.2016, hence, there is a delay of 785 days in re-presenting the papers.

3.The respondent filed her counter disputing the averments stated in the affidavit filed in support of the petition.

4.The learned counsel appearing for the petitioners submitted that the delay had occurred only because of the misplacement of the certified copy of the decree in their office and therefore, the delay may be condoned on payment of costs.

5.The learned counsel appearing for the respondent submitted that the delay was not properly explained by the petitioners in the affidavit filed in support of the petition.

6.However, I am satisfied that the petitioners have satisfactorily explained the reasons for the delay in the affidavit filed in support of the petition. Since the delay is on a higher side, the same can be condoned on payment of costs. Accordingly, the delay of 785 days in re-presenting the papers is condoned on condition the petitioners paying a sum of Rs.2,000/- (Rupees two thousand only) to the respondent within one week from the date of receipt of a copy of this order. It is made clear that the petitioners are at liberty to pay the said amount of Rs.2,000/- to the learned counsel for the respondent before this Court in this petition within the stipulated time.

7.The petition is ordered.