

C.M.P.No.19426 of 2016
in CMA.No.SR.86443 of 2016
R.SUBBIAH.J,
and
M.S.RAMESH.J,

This petition has been filed by the petitioner/appellant to condone the delay of 74 days in filing the above appeal.

2.Heard the learned counsel for the petitioner. The learned counsel for the petitioner submitted that pursuant to the order of this Court, private notice was served on the respondent and in response to the private notice, a reply was received on 13.01.2017 seeking the petitioner to provide the copy of the affidavit of CMP, petition for stay, grounds of CMA and typed set of papers. The learned counsel submitted that in turn they have sent a reply stating that they have already furnished the copies of all the papers relating to the above appeal to the respondent in their earlier notice. In spite of the same and also taking note of the fact that the name of the respondent was printed in the cause list today, there is no representation for the respondent.

3.Being satisfied with the reasons stated in the affidavit filed in support of the petition and moreover, the delay is not inordinate in nature in preferring the above appeal, we are of the view to condone the delay. Accordingly, the delay is condoned and the petition stands allowed.

4.Registry is directed to number the appeal, if it is otherwise in order and post the same on 28.06.2017

[R.P.S.J.,] [M.S.R.J.,]
23.06.2017

DP/rna

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