

A.No.2480 of 2019
in CS No.940 of 2016

R.SUBRAMANIAN.J.,

This application has been filed seeking to condone the delay of 364 days in filing the Appeal against the order of the learned Master dated 22.03.2018.

2. The reason assigned for delay is that one of the junior counsels of the erstwhile counsel of the applicant, by name Mr.David, who was incharge of the case had left practice and he had not informed the applicant about the non filing of the appeal.

3. This reason is stoutly denied by the respondents. A Counter affidavit, along with the typed set of papers has been filed to demonstrate that the said Mr.David appears in Courts even today. Copies of Cause lists have been produced before me to prove that Mr.David's name as appears in the cause list even today.

4. However taking a lenient view, considering the fact that the suit is one for recovery of a sum of Rs.31,00,000/- and the order of the Master imposes a condition that the applicant shall deposit almost the entire

decree

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amount i.e. Rs.30,00,000/-, I deem it fit to condone the delay. Hence the delay is condoned, subject to the condition that the petitioner pays a sum of Rs.10,000/- as cost to the respondent's counsel by 22.04.2019.

5. Post on 23.04.2019 for reporting compliance.

08.04.2019

jv



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