

C.M.P.No.11418 of 2017 in C.M.A.No.SR34702 of 2017

T.RAJA, J.

This civil miscellaneous petition has been filed to condone the short delay of 62 days in preferring the appeal.

2. The petitioners being the sons and daughter of the second respondent have filed the suit for partition, which was decreed by the trial Court. As against the same, when an appeal was filed, the first appellate Court set aside the judgment and decree and remitted the matter back to the trial Court for deciding the matter afresh. In the meanwhile, aggrieved thereby, when steps were taken, there has been a delay which is beyond their control. Therefore, the short delay may be condoned, he pleaded, as it is neither wilful nor wanton, but only due to the bona fide reasons mentioned above.

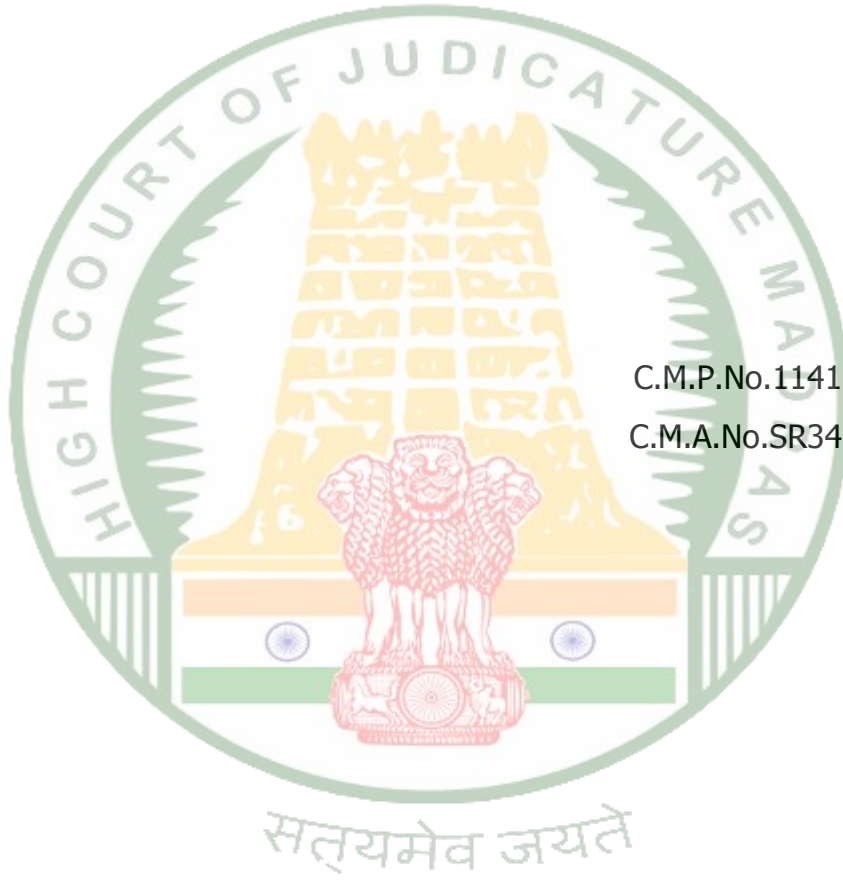
3. Learned counsel for the first respondent has no serious objection for condoning the delay.

4. Hence, the short delay of 62 days is condoned and the C.M.P.No.11418 of 2017 stands allowed.

03.07.2019

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