

C.M.P. No.18806 of 2018 in
C.M.A. No.SR112208 of 2018

T.RAJA,J.

Manimekalai, the petitioner herein, being aggrieved with the decretal order passed by the learned III Additional District and Sessions Judge, Virudhachalam in A.S. No.76 of 2016 dated 16.03.2018 remanding the matter back to the file of the Trial Court, has filed the petition seeking an order to condone the delay of 40 days in filing the above appeal.

2.Learned counsel appearing for the petitioner would submit that after the impugned judgment and decree passed by the learned III Additional District and Sessions Judge, Virudhachalam, the petitioner applied for certified copy of the judgment and decree dated 16.03.2018 passed in A.S. No.76 of 2016 on 26.03.2018 and the copies were made ready only on 12.06.2018. Immediately, the counsel for the petitioner informed the petitioner that the appeal should be filed within 90 days time. As the petitioner could not contact her counsel to file the appeal within the prescribed time, since she was severely affected by viral fever, the delay of 40 days has occurred, which is

T.RAJA, J.

vga

neither willful nor wanton, but due to bonafide reasons. Therefore, learned counsel appearing for the petitioner pleaded for condoning the delay. I also find some merits thereon.

3.As there was no serious objection from the learned counsel appearing for the respondent, the petition is allowed and the delay is condoned.

05.08.2019

Note: Post the matter on 07.08.2019
vga

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

WEB COPY

C.M.P. No.18806 of 2018 in
C.M.A. No.SR112208 of 2018