

C.M.P.No.21770 of 2019
in
A.S.SR.No.108243 of 2019

S.M.SUBRAMANIAM, J.

The learned counsel appearing on behalf of the petitioner states that there is a delay of 147 days in filing the appeal suit against the judgment and decree dated 30.11.2018 in O.S.No.56 of 2011.

2. The copy of the application was made on 01.12.2018 and the same was received on 31.12.2018. The petitioner states that he was sick in the month of January 2019 and was under treatment. Therefore, he was unable to file the appeal suit in time.

3. The learned counsel appearing on behalf of the respondents 1 and 2 raised an objection by stating that the petitioner has not assigned any reason or substantiated the reason regarding his sickness during the relevant point of time. In the absence of any such proof, the delay cannot be condoned.

4. This Court is of the considered opinion that when the huge delay is not explained, the delay cannot be condoned. Admittedly, the delay is for 147 days and the petitioner states that on account of his ill

health, he could not able to file the appeal suit in time. The right of appeal is a valuable right and on account of such small delay, the rights of the parties cannot be denied. On such circumstances, the Courts are bound to adopt a liberal approach in condoning the delay. Undoubtedly, enormous delay cannot be condoned, in the absence of any such valid reason. However, small delay is to be condoned in the interest of justice. This being the principles to be followed, this Court is of the opinion that the delay of 147 days is to be condoned in the interest of justice and accordingly, the civil miscellaneous petition is filed to condone the delay of 147 days in filing the appeal suit stands allowed on condition to pay a sum of Rs.500/- (Rupees Five Hundred only) to the High Court Legal Services Authority, on or before 24.01.2020, failing which, this petition would stand dismissed automatically.

सत्यमेव जयते

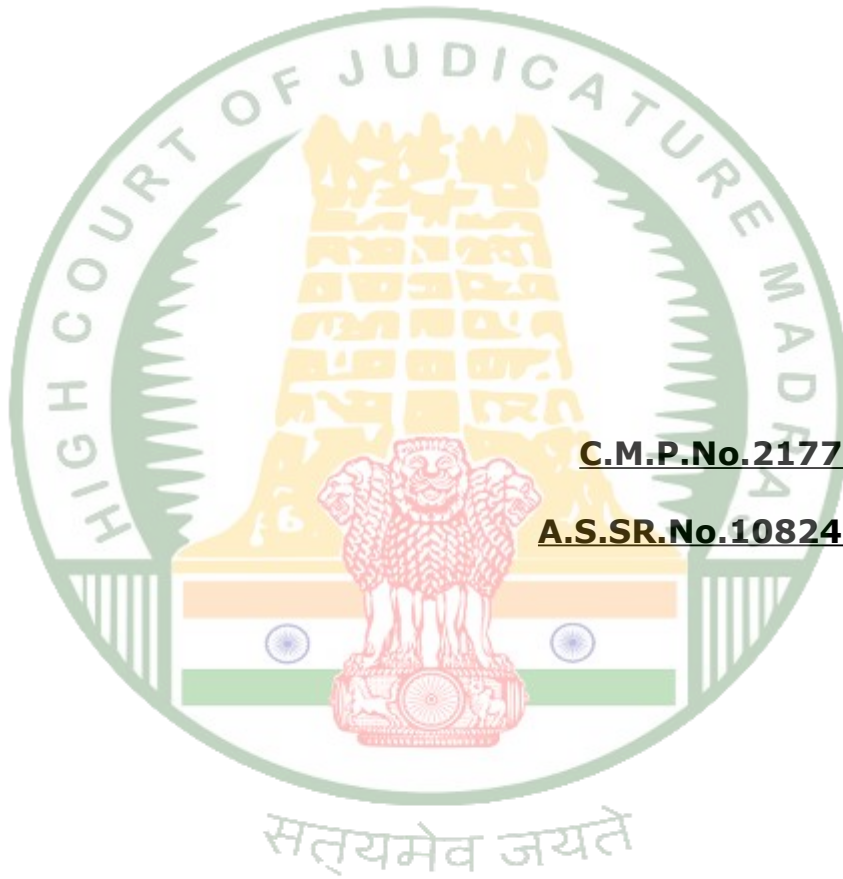
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