

C.M.P.No. 21962 of 2019
in O.S.A.Sr.No. 64378 of 2015

M.M.SUNDRESH, J.
AND
KRISHNAN RAMASAMY, J.

(Order of the Court was made by *M.M.SUNDRESH, J.*)

This application has been filed seeking to condone the delay of 941 days in filing the appeal.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the senior citizen. There is a lack of communication between him and the counsel.

3. The learned counsel appearing for the respondent submits that in view of the subsequent development, this petition will have to be dismissed. He has placed reliance on the judgment of the Apex Court in *H.Dohil Constructions Company Private Limited v. Nahar Exports Limited* and another reported in (2015) 1 SCC 680.

4. Taking note of the averments made, we are inclined to allow this petition. The judgment relied upon stands on a different footing on facts. In the said case, there was a delay both in filing the appeal and representation. The delay is also for a period of 1727 days.

**M.M.SUNDRESH, J.
AND
KRISHNAN RAMASAMY, J.**

ssm

5. In such view of the matter, we are inclined to condone the delay on condition that the petitioner pays a sum of Rs.3,000/- to the Tamil Nadu State Legal Services Authority within a period of two days from today.

ssm

Note: Registry is directed to number the appeal after due compliance of the aforesaid condition and list the appeal on 12.02.2020 'for Admission' by printing the name of Mr.Shivakumar as counsel for the third respondent.

(M.M.S.J.) (K.R.J.)
05.02.2020

सत्यमेव जयते

C.M.P.No. 21962 of 2019
in O.S.A.Sr.No. 64378 of 2015

WEB COPY