

C.M.P. No.14357 of 2020 in
A.S. SR.No.75449 of 2019

T.RAJA, J.
and
G.CHANDRASEKHARAN, J.

The petition is filed to condone the delay of 92 days in re-presenting the above appeal.

2.Mr.P.Mani, learned counsel appearing for the petitioner pleaded that after filing the appeal, the Registry of this Court has returned the appeal papers on 26.06.2019 for correcting certain defects. Thereafter, the defects were complied with and the above appeal has been re-presented on 26.08.2019 and the same was returned on 26.09.2019 on the ground that valuation needs correction. After correction, the same was re-presented on 20.01.2020. In the meanwhile, there has been a delay of 92 days in re-presenting the above appeal due to intervening Deepavali holidays. As the petitioner has got fair chances of success before this Court, the delay in re-representation may be condoned, failing which, the petitioner would be put to huge prejudice.

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3.We also find merits on the submission made by the learned counsel appearing for the petitioner. When the appeal papers were filed within 90 days time and the fault is on the part of the counsel, the litigant cannot put to be suffered. Hence, this petition is allowed and the delay in representation is condoned subject to the payment of costs of Rs.1,000/- to be payable by the petitioner to the Tamil Nadu State Legal Services Authority, Chennai within a period of two weeks from the date of receipt of a copy of this order, failing which the petition will be dismissed automatically without any further reference to this Court.

(TRJ) (GCSJ)
06.01.2021

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