

C.M.P.No.13724 of 2020 in
S.A (SR) No.13132 of 2020
(Filing No.)

M.SUNDAR.J.,

Captioned CMP is with a prayer for 'Condonation of Delay' ('COD' for brevity).

2. COD prayer is qua delay in filing the second appeal.

3. Mr.S.R.Shanmugadoss, learned counsel for petitioners and Mr.K.Ezhilarasan, learned counsel for sole respondent are before this Virtual Court.

4. Learned counsel for petitioners Mr.S.R.Shanmugadoss, adverting to the supporting affidavit and particularly paragraph 5 thereat, submits that the reason for delay is communication lapse between the Government Pleader who appeared on behalf of TANGEDCO and others concerned.

5. Learned counsel for respondent submits that greater particulars with specificity should have been given and broad averments of this nature will not suffice to support a COD prayer.

6. Though under the normal circumstances this contention may fall for consideration in the light of ***Esha Bhattacharjee*** principle being parameters qua a COD affidavit laid down by Hon'ble Supreme Court in ***Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academ and others [(2013) 12 SCC 649]***, considering the present Covid-19

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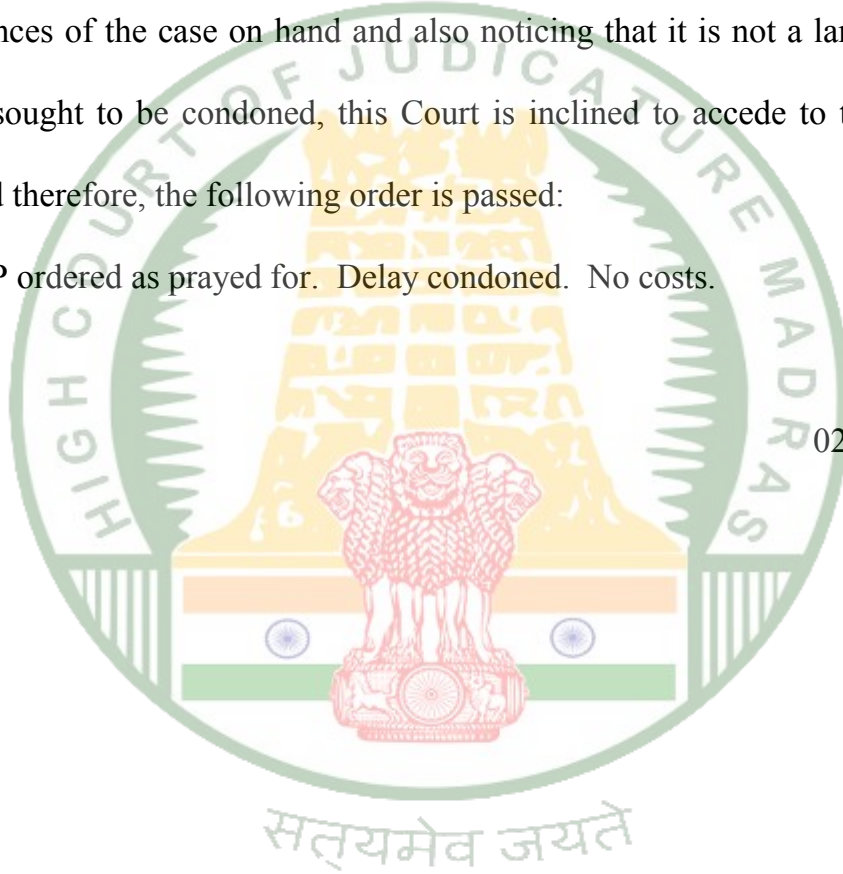
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situation, considering the nature of the matter on hand besides the facts and circumstances of the case on hand and also noticing that it is not a large delay which is sought to be condoned, this Court is inclined to accede to the COD prayer and therefore, the following order is passed:

CMP ordered as prayed for. Delay condoned. No costs.

02.07.2021

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