



WEB COPY

CMP.No.7324/2021 in
AS.SR.No.159555/2019
[Hybrid Mode]



S.S.SUNDAR, J.,

The above miscellaneous petition is filed seeking to condone the delay of 105 days in preferring the Appeal Suit.

2.Upon service of notice, respondents 1 to 4 have entered appearance through a counsel. Notice to the 5th respondent was returned with an endorsement "no such addressee". There was again an attempt to serve notice on the 5th respondent. However, it was returned with the same endorsement.

3.Since it is admitted that the 5th respondent is one of the plaintiffs who is sailing with the other plaintiffs and that she is none else than the wife of the respondent's paternal uncle and since there is a substantial representation, this Court is inclined to dispose of this petition despite notice is not served on the 5th respondent.

4.Though this petition is seriously objected by the learned counsel for respondents 1 to 4, this Court is of the view that the delay has been properly and satisfactorily explained by the petitioner in the affidavit filed in support of this petition.

5.In the result, the Civil Miscellaneous Petition is **ordered** and the delay of 105 days in filing the Appeal suit is **condoned**.

16.12.2021

[2/2]