

C.M.P.No.7375 of 2021
in
S.A (SR) No.3857 of 2021
(Filing No.)

M.SUNDAR.J.,

Mr.P.Mani, learned counsel for sole petitioner and Mr.R.Gururaj, learned counsel appearing on behalf of Mr.D.Baskar, learned counsel on record for Respondents 1 to 3 are before this Virtual Court. Dr.S.Surya, learned State Counsel is also before this Virtual Court on behalf of fourth respondent, namely Joint Sub-Registrar I, Cuddalore. The second respondent Patchaiyammal has been duly served, name together with full/complete address of the second respondent has been shown in the cause list, but no one has entered appearance and there is no representation either. In other words, second respondent has not come forward to oppose the captioned CMP.

2. Learned counsel for petitioner adverting to the supporting affidavit, more particularly Paragraph 4 thereat, submitted that there was delay in getting the certified copies and that the delay is primarily owing to the prevailing Covid-19 situation i.e., pandemic and consequent lockdown. Learned counsel submitted that this is something which the deponent could not portend or presage.

3. Mr.Gururaj, learned counsel appearing on behalf of counsel on

record for respondents 1 to 3 very fairly submitted that he is not opposing the captioned CMP, which is for 'Condonation of Delay' ('COD' for brevity). However, learned State Counsel pointed out that a perusal of paragraph 4 reveals that the deponent should have been more diligent and the deponent should not take advantage of his own negligence.

4. Under the normal circumstances, such a plea may have merited consideration, but owing to the prevailing unprecedented situation and lock down, this Court, taking into account peculiar facts and circumstances besides noticing that the delay sought to be condoned is mere 14 days in filing captioned second appeal, is inclined to take a liberal view and accede to the COD prayer.

In the light of the narrative thus far, captioned CMP is ordered as prayer for. Delay condoned. No costs.

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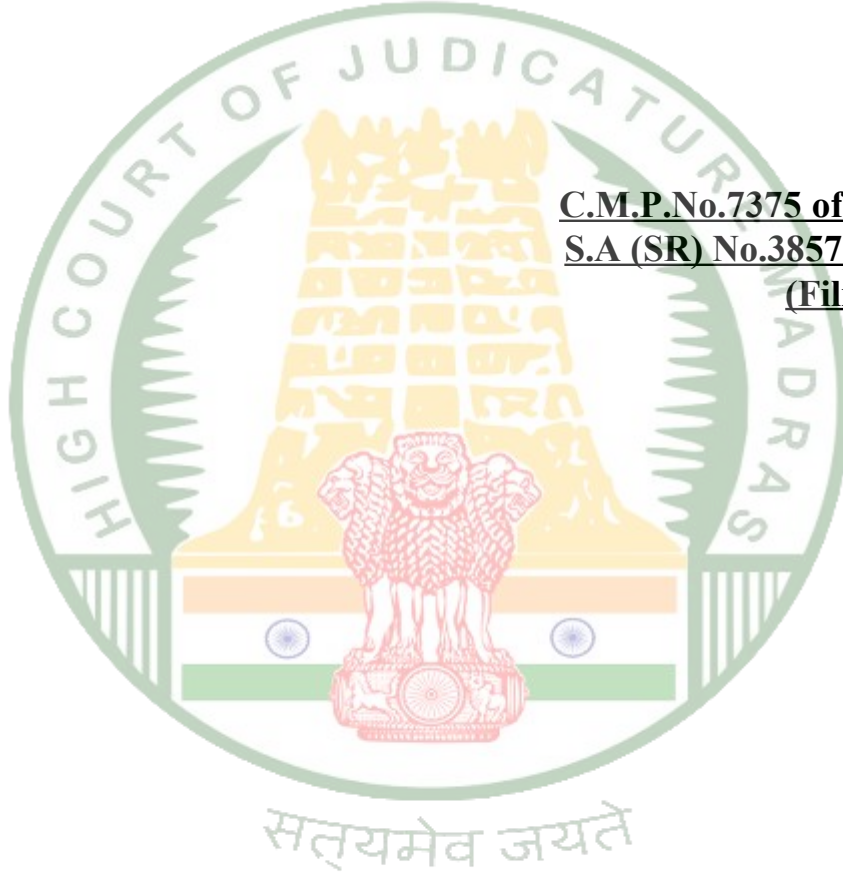
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