

CMP.No.7443 of 2021
in
SA.No.SR148104 of 2019
(Filing Number)

M.SUNDAR, J

Mr.T.Gowthaman, learned counsel for petitioner and Mr.V.P.Sengottuvel, learned counsel for respondent are before this virtual Court. Captioned petition is for 'Condonation of Delay' [COD].

2. The grounds on which COD prayer is made is articulated in paragraph 4 of the affidavit filed in support of captioned petition. It has been averred that local counsel had not taken steps to move the Second Appeal as he was under the impression that litigant is taking steps, because litigant had taken the original judgment and decree from the counsel, but later, it came to light that the situation is otherwise. In response to this, learned counsel for respondent submits that more than the COD prayer, the petitioner has come at the eleventh hour after obtaining stay of execution proceedings in a revision petition and therefore, the conduct of the petitioner needs to be highlighted. Be that as it may, as counsel for petitioner submits that if delay is condoned, he will process captioned second appeal and bring it in the

admission board on 28.04.2021, this Court is of the view that it would serve the ends of justice better if the second appeal is heard out on merits obviously at the admission stage first and further depending on admission Board outcome.

3. Owing to the narrative thus far, COD prayer is acceded to and captioned petition is ordered as prayed for with the a direction to the Registry to list SA.No.SR148104 of 2019 (post numbering) in the admission board under the caption 'FOR ADMISSION' on 28.04.2021.

22.04.2021

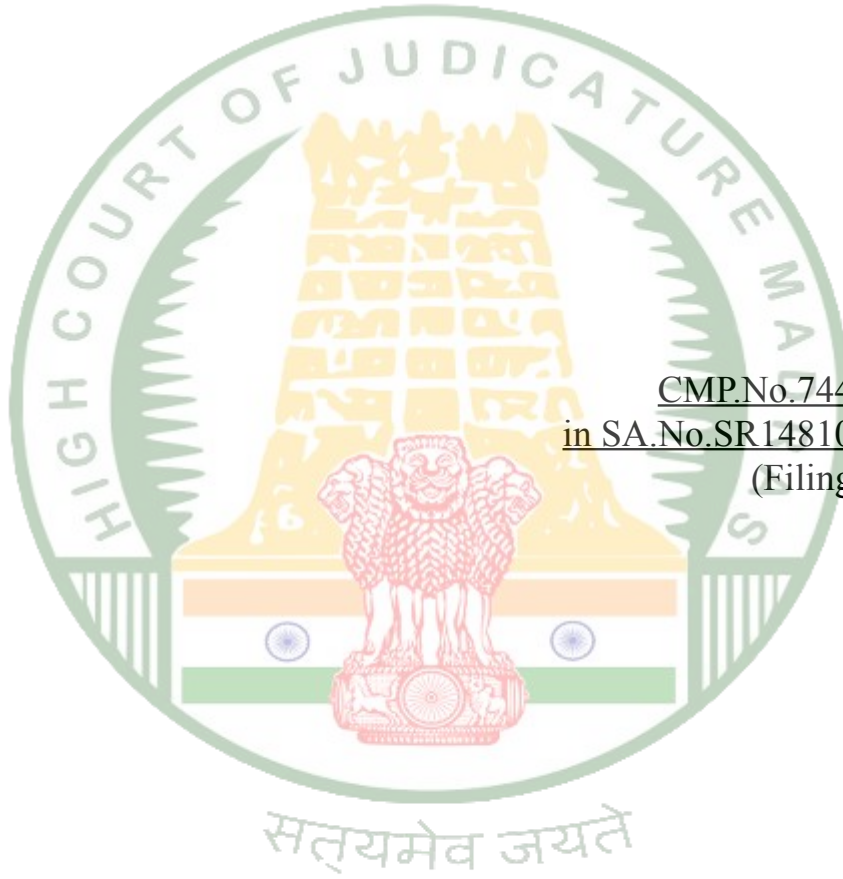
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