

C.M.P.Nos.6416 and 6418 of 2021
in SA.Sr.Nos.74439 and 74438 of 2016

KRISHNAN RAMASAMY. J.,

These Civil Miscellaneous Petitions have been filed to condone the delay of 1236 days in representing the above SA.SR.Nos.74439/2016 and 74438/2016.

2 It is stated in the affidavits filed in support of the petitions that the above appeals were filed on 03.10.2016 and the same were returned for some defects, again the appeals were represented on 18.01.2017 and once again they were returned due to some defects. It is further stated that the petitioner is 70 year old woman and as there is no one to support her, she was doing agricultural coolie work in order to earn day to day livelihood. Further, due to some personal problems, she have not been regularly residing at her village and while entrusting the appeals, her counsel informed that the appeals will take some time for final disposal and hence she was under the impression that he will follow the case and will inform as and when required. Thereafter, she lost contact particulars of her counsel and only during the second week of March 2021, she got the contact particulars of her counsel through the trial court counsel and when asked about the status, her counsel told that he has sent

several letters to her address and there was no response. It is further stated that since she was not residing in the said address during the relevant point of time, she was not able to receive and give reply and thereafter with the help of trial court counsel she made documents ready and sent the same to her counsel at Chennai and asked him to proceed the case and she came to Chennai for signing the affidavits and therefore the appeals were represented with delay, which is neither willful nor wanton.

3. Heard the learned counsel for the petitioner. Perused the records.

4. From the perusal of the affidavit, it appears that the delay is a genuine one. However, considering the number of days, this Court is inclined to condone the delay with costs.

5. Accordingly, the delay is condoned subject to the payment of costs of a sum of Rs.2,000/- (Rupees Two Thousand only) to the Chief Justice Relief Fund within a period of four weeks from the date of receipt of a copy of this order, failing which this order would stand cancelled automatically without further reference to this Court.

6. These Civil Miscellaneous Petitions are ordered accordingly.

31.03.2021

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KRISHNAN RAMASAMY. J.,

arr



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