

C.M.P.No.7751 of 2021
in
S.A.SR.No.37995 of 2021
(Filing Number)

M.SUNDAR, J

Ms.H.Kavitha, learned counsel on record for sole petitioner and Mr.G.Balachandar, learned counsel on record for first respondent are before this Virtual Court.

2. From the case file placed before this Court, it is made clear that respondents 2 & 3 have been duly served with Court notice on 12.05.2021. Names together with full/complete addresses of respondents 2 & 3 are shown in the cause list. This Court is informed that no counsel has entered appearance and filed memo of appearance and no one has come forward to oppose the captioned CMP which is with a COD prayer as far as respondents 2 & 3 are concerned.

3. Learned counsel for petitioner, adverting to affidavit filed in support of captioned CMP, more particularly, paragraph No.8 therein submits that the travel plans of litigant i.e., travel plans to Chennai were derailed owing to Covid-19 situation i.e., pandemic and consequent lock

down. It is also pointed out that the deponent was down with Jaundice and all these which had a cascading effect on one another lead to delay.

5. Learned counsel for first respondent submits that greater particulars should have been given with regard to the aforementioned averments.

6. Though under the normal circumstances, there can be some force in the submissions of counsel for first respondent, but considering the nature of the matter on hand, considering the facts and circumstances of the case on hand, more particularly considering the present Covid-19 situation which is unprecedented and which none could portend or presage, in this case i.e., in the facts and circumstances of this case, this Court is inclined to accede to the COD prayer.

7. This Court having heard the learned counsel for petitioner, learned counsel for contesting respondent i.e., first respondent, having perused the case file placed before this Court, for the reasons set out supra, passes the following order:

CMP is ordered as prayed for. Delay condoned. There shall be no order as to costs.

mk

05.07.2021

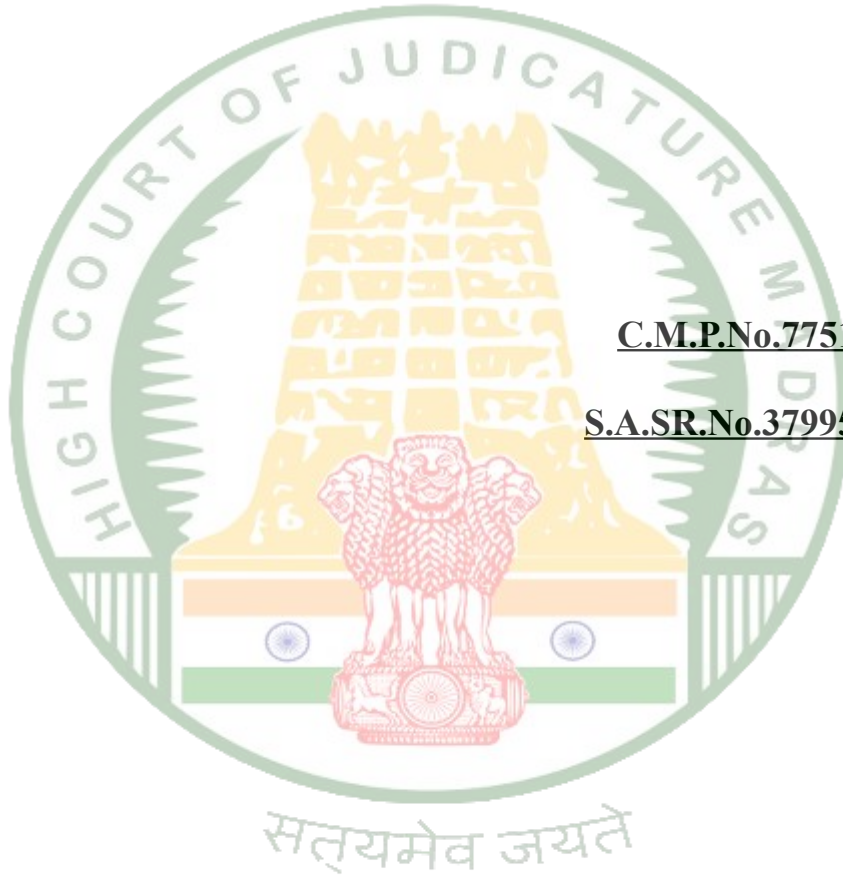


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