

C.M.P.No.11155 of 2019

in

S.A.No.SR70306 of 2017

P.T.ASHA, J.,

The above petition is filed to condone the delay of 550 days in re-presenting the above Second Appeal.

2. Notice has been ordered in the above matter. Normally, the Court is not in the habit of issuing notice in such applications since it is purely the discretion of the Court to condone the delay as the application / appeal is still in the stage of being numbered. The notice which has been taken to the respondent has also been returned with an endorsement “left”.

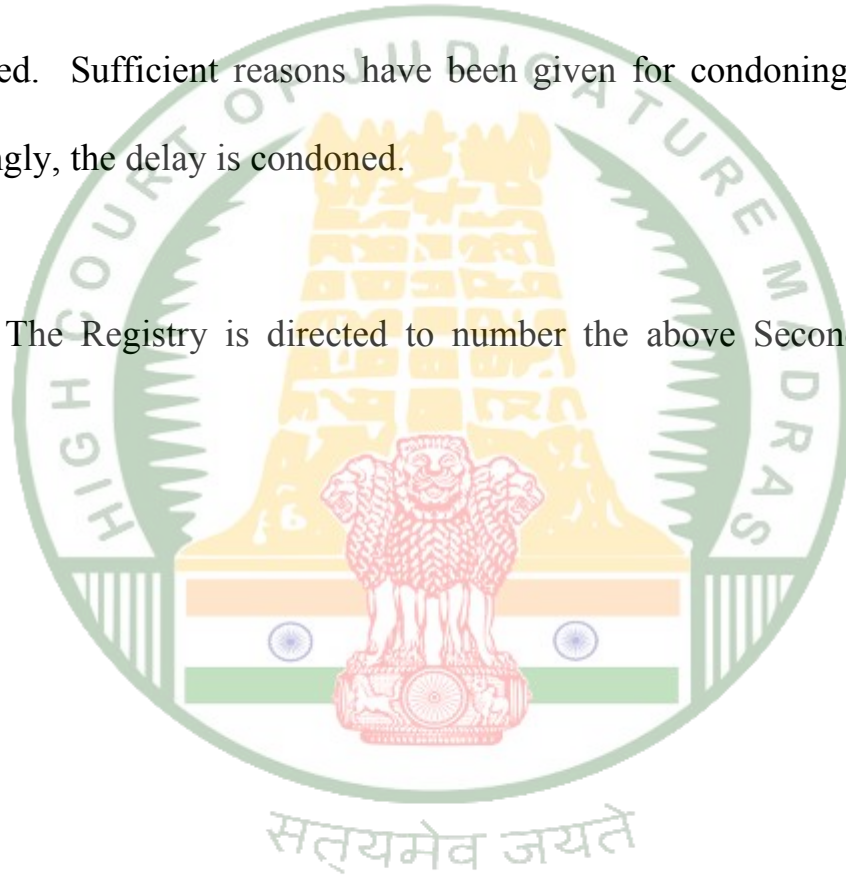
3. In the affidavit filed in support of the petition, the petitioners have stated that the appeal was being handled by their father and communication from the counsel handling the brief at Chennai, to his counter part at Gudalur asking for certain detail could not be communicated to their father since he had been admitted in the hospital and had subsequently died on

19.11.2017. It was only when the deponent of the affidavit met their counsel accidentally at Gudalur and that he was informed about the appeal. Immediately, steps have been taken to procure the same and forwarded it to their counsel at Chennai. It is on account of this situation that the delay had occasioned. Sufficient reasons have been given for condoning the delay. Accordingly, the delay is condoned.

4. The Registry is directed to number the above Second Appeal.

kan

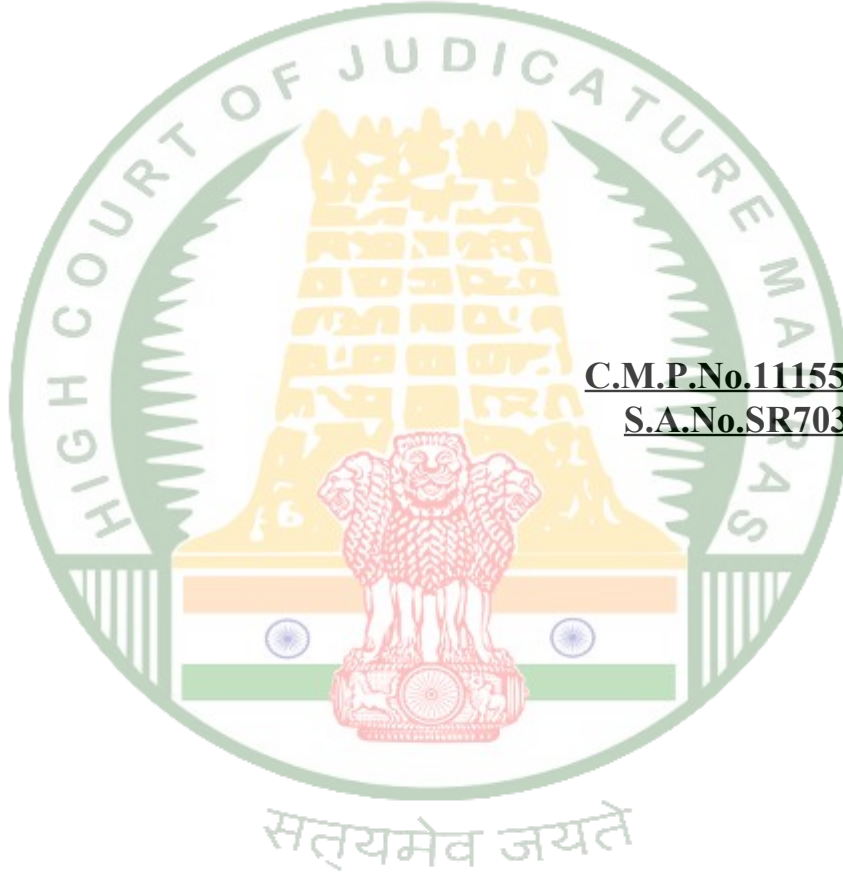
13.08.2021



WEB COPY

P.T.ASHA, J.,

kan



C.M.P.No.11155 of 2019 in
S.A.No.SR70306 of 2017

WEB COPY

13.08.2021