

C.M.P.No.12925 of 2021
in
C.M.A.SR.No.61827 of 2021

T.S. SIVAGNANAM, J.
and
SATHI KUMAR SUKUMARA KURUP, J.

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.T.Ramesh, learned counsel for the petitioner and
Mrs.R.Hemalatha, learned Senior Standing Counsel, for the respondent.

2. There is a delay of 3426 days in filing the appeal.

3. When the matter came up earlier, we had opined that the affidavit filed in support of the condone delay petition, was bereft of particulars. Therefore, the learned counsel appearing for the petitioner sought time to file a better affidavit.

WEB COPY

4. An additional affidavit has been filed, from which, we see that the officer of the Company, who was handling the matter, had developed serious medical complications and had to leave the organisation. That apart, the counsel, who was entrusted with the matter, passed away

during 2018. These, in our opinion, would be sufficient cause to condone the delay.

5.That apart, we note that, initially, the order impugned in the appeal was challenged by way of a writ petition and the writ petition was held to be not maintainable and only a Civil Miscellaneous Appeal had to be filed. Admittedly, the writ petition was filed within the period of limitation.

6.Therefore, considering all these aspects, we exercise discretion and condone the delay, subject to the condition that the petitioner/appellant pays a sum of Rs.10,000/- to the Tamil Nadu Mediation and Conciliation Centre, High Court, Chennai, within three weeks from today. After payment, the petitioner shall file a copy of the payment receipt in the Registry and the Registry, on receipt of the same, shall number the appeal and list the appeal for admission. Accordingly, the petition is ordered.

7. When the appeal is listed for admission, the name of Mrs.R.Hemalatha, learned Senior Standing Counsel, to be printed in the cause list.

(T.S.S., J.) (S.S.K., J.)
09.09.2021

Note to Registry :

Upload the order copy in the website, immediately.

mkn

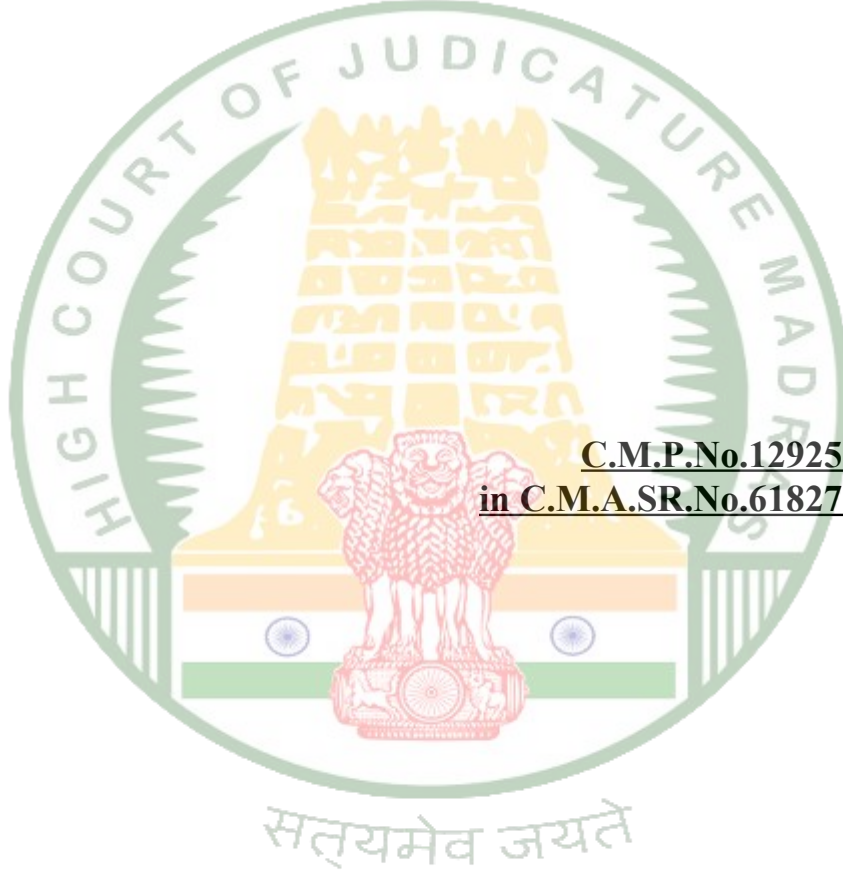


WEB COPY

C.M.P.No.12925 of 2021
in C.M.A.SR.No.61827 of 2021

T.S. SIVAGNANAM, J.
and
SATHI KUMAR SUKUMARA KURUP, J.

mkn



C.M.P.No.12925 of 2021
in C.M.A.SR.No.61827 of 2021

WEB COPY

09.09.2021