

C.M.P.No.13066 of 2021

in

A.S.(Filing No.) 68476 of 2021

P.T. ASHA, J

The above application has been filed for condoning the delay of 470 days in preferring the appeal.

2. The appellant, in the affidavit filed in support of the said application would submit that the original copy application which had been filed through the counsel has been misplaced and in the interregnum, negotiation for settlement was also carried out. Thereafter, a fresh copy application has been filed on 18.10.2019 and as soon as the copy of the order was made ready, the petitioner / appellant had received the same and taken immediate steps to file this appeal. However, in the interregnum, there crept a delay of 470 days in filing the appeal. The respondent has entered appearance through counsel would vehemently oppose the said application stating that there was no talk of compromise and these allegations have been made only make out a cause for condoning delay.

P.T.ASHA, J

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3. Heard the learned counsel.

4. The applicant has stated that originally copy application had been misplaced and thereafter, since there were some talks of settlement, they kept the filing of the appeal on hold. Once the talks failed, they have immediately filed a fresh copy application and taken delivery of the same as soon as it was made ready and filed this first appeal. Therefore, the delay is condoned.

The Registry is directed to number the appeal, if it is otherwise in order.

20.09.2021

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