

C.M.P.No.13219 of 2020
in
S.A (SR) No.26581 of 2020
(Filing No.)

M.SUNDAR.J.,

Captioned 'Civil Miscellaneous Petition' ('CMP' for the sake of brevity) is with a prayer for 'Condonation of Delay' ('COD' for convenience). Delay sought to be condoned is qua filing captioned S.A.SR.No.26581 of 2020.

2. Ms.M.Senthil Vadivu, learned counsel on record for petitioners adverting to the supporting affidavit, more particularly paragraph 3 thereat, submitted that there was some delay on the part of Clerk in the office of counsel in the first Appellate Court in applying for and obtaining judgment and decree, which had a cascading effect that has caused the delay in filing the captioned S.A (SR).

3. Ms.Abirami, learned counsel representing Mr.P.Dinesh Kumar, counsel on record for first respondent submits that deponent of the supporting affidavit should have been more diligent and the deponent cannot take advantage of his own folly of not being diligent.

4. To be noted, second respondent has been duly served with Court notice on 21.12.2020, name of the second respondent together with full/complete address has been shown in the cause list, but no one has entered appearance and there is no representation. Therefore, second respondent has not come forward to oppose the captioned CMP with COD prayer.

5. Considering the peculiar facts and circumstances of this case and the back drop of the predicament the parties were in, this Court is inclined to take a liberal view and accede to the COD prayer.

In the result, CMP is ordered as prayed for. Delay condoned. there shall be no order as to costs.

07.07.2021

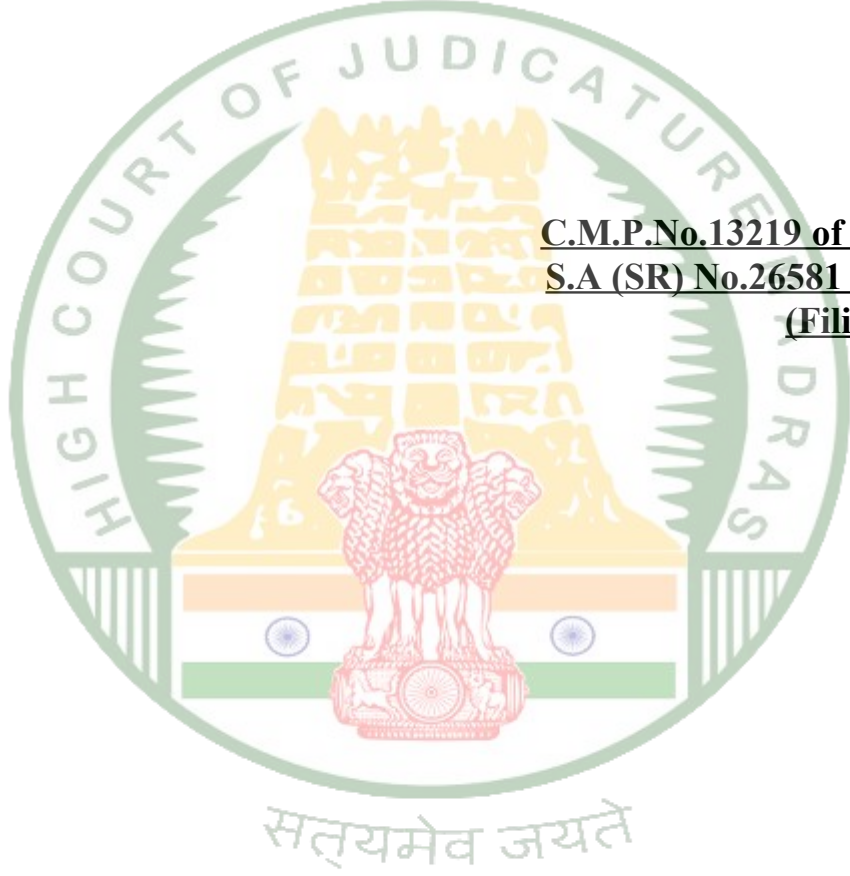
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