

C.M.P.No.14450 of 2020
in S.A.SR.No.90961 of 2020

KRISHNAN RAMASAMY.J.,

This petition has been filed to condone the delay of 45 days in filing the Second Appeal.

2.The learned counsel for the petitioner submitted that the petitioner was unable to contact the Advocate immediately after receiving the judgment and decree of the Court below and thereafter, due to Covid-19 pandemic and subsequent lockdown imposed by the Central and State Government and due to old age he was not able to come out. Therefore, the delay of 45 days occurred in filing the Second Appeal.

3.The learned counsel for the respondents submitted that the present Second Appeal is not maintainable in the absence of an independent appeal having been filed against the cross objection filed in I.A.No.8 of 2017.

4.Heard both sides.

KRISHNAN RAMASAMY.J.,

rst

5.As far as the cross objection is concerned, this court will consider the same at the time of admission of the present Second Appeal. Being satisfied with the reasons stated in the affidavit filed in support of the petitioner. This Court is inclined to allow the petition. Accordingly, the petition is ordered as prayed for.

24.03.2021

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Note: Registry is directed to number the Second Appeal, if it is otherwise in order.

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