

C.M.P.No.19485 of 2019
in
S.A (SR) No.112846 of 2019
(Filing No.)

M.SUNDAR.J.,

Mr.S.Saravanakumar, learned counsel on record for petitioner and Mr.P.Chandrasekar, learned counsel on record for all the three respondents are before this Virtual Court. Captioned Civil Miscellaneous Petition has been filed with a 'Condonation of Delay' ('COD' for brevity) prayer. Delay sought to be condoned is qua filing captioned S.A (SR).

2. Learned counsel for petitioner adverting to the supporting affidavit, more particularly paragraph 5 thereat, submits that the deponent had difficulty in arranging the funds required for filing the captioned second appeal and that he was also down with severe Arthritis owing to which his mobility was vastly restricted.

3. Learned counsel for respondents submitted that such a plea cannot be countenanced much less can be a ground for condoning delay in filing a second appeal.

4. Under normal circumstances, such a contention of counsel for respondent might have merited consideration, but considering the prevailing Covid-19 situation, which none could portend or presage, this Court is inclined to take a liberal view owing to the facts and circumstances of this case and peculiar predicament in which the deponent appeared to have been in. In other words, this would not serve as a precedent.

5. In addition to the above submission, learned counsel for respondents points out that captioned second appeal has been presented in this Court on 29.08.2019, almost two years ago and the judgment of the first Appellate Court was rendered on 28.09.2018 nearly three years ago. Learned counsel submits that appellant has been rather lethargic in pursuing the captioned second appeal.

6. Faced with the above situation, learned counsel for appellant undertakes to process the captioned second appeal, remove the objections and bring it on Admission Board at the earliest and in any event within

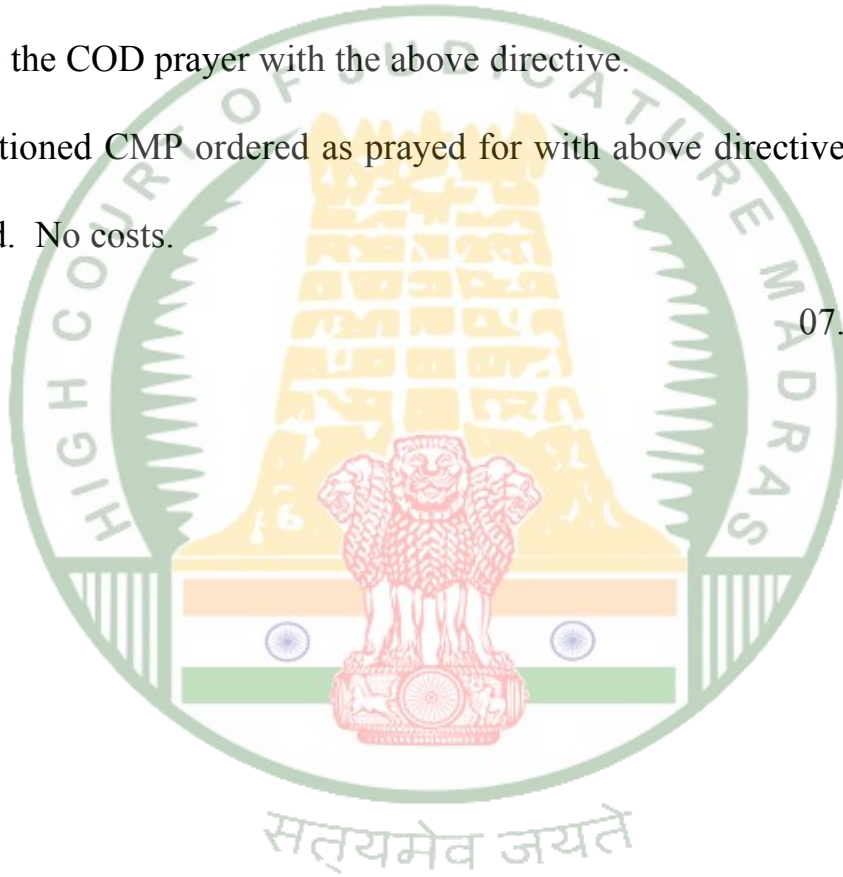
10 days from today i.e., on 16.07.2021, this is more so as learned counsel for respondents points out that the appellant has suffered two concurrent judgments/decrees.

7. In the light of the discussion thus far, this Court is inclined to accede to the COD prayer with the above directive.

Captioned CMP ordered as prayed for with above directive. Delay condoned. No costs.

07.07.2021

gpa

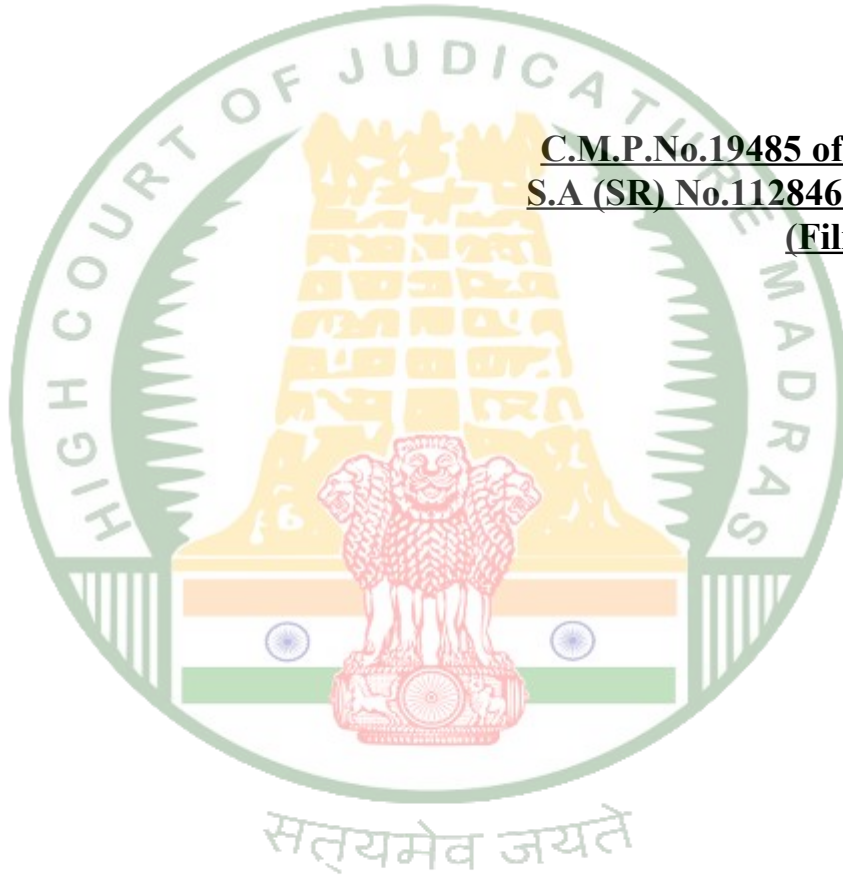


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