

C.M.P.No.5629 of 2017
in
S.A.SR.No.17783 of 2017
(Filing Number)

M.SUNDAR.J.,

Mr.D.Ravichander, learned counsel on record for sole petitioner and Mr.Vignesh, learned counsel representing the lone respondent are before me.

2. Learned counsel for respondent has joined the virtual hearing, but learned counsel for petitioner is physically present in this Court though the matter has not been listed for physical hearing. Learned counsel submits that he has another physical hearing matter and does not have time i.e., short of time to go back to his office and login. Learned counsel requests this to be treated as an exception. Request acceded to.

3. Captioned Civil Miscellaneous Petition has been filed with a 'condonation of delay' [hereinafter 'COD' for the sake of brevity] prayer. Delay sought to be condoned is 74 days in filing the captioned second appeal.

4. Adverting to paragraph No.3 of the supporting affidavit, learned counsel submits that the petitioner is a statutory body and there was procedural delay in getting legal opinion. Learned counsel adds that the delay was occasioned owing to procedural requirements in getting legal opinion and for reasons beyond the control of petitioner statutory body that have been articulated in the supporting affidavit.

5. Learned counsel for respondent submits that it would be appropriate to put the petitioner on terms and learned counsel also submits that every day's delay should be explained.

6. Considering the short delay that is sought to be condoned and considering the facts and circumstances of this case, which has led to the captioned second appeal, this Court is of the view that this may not be an appropriate case to put the petitioner on terms. School of thought that every day's delay should be condoned is one, which is not now in vogue in full rigor, as the same has undergone dilution and taken different dynamics and dimensions over a period of time. Considering the scope

of captioned CMP, it may not be necessary to dilate further on this aspects of the matter.

7. In the light of the narrative thus far, this Court deems it appropriate to accede to COD prayer. Captioned CMP is ordered as prayed for. Delay condoned. There shall be no order as to costs.

mk

29.07.2021
(1/2)

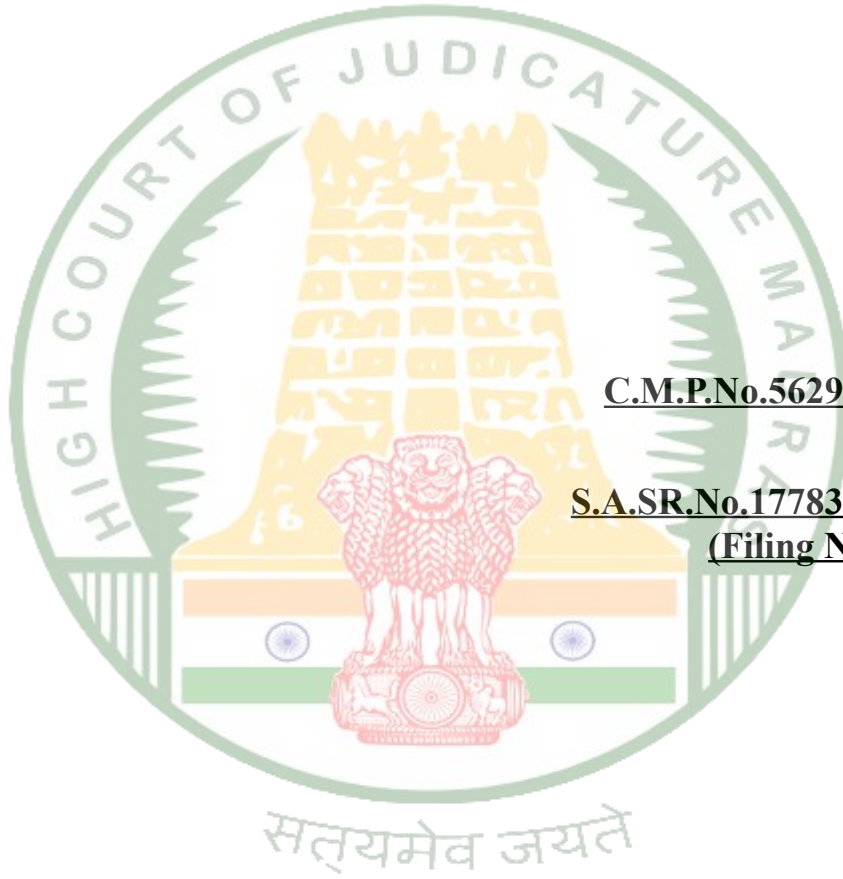


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