



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Eighth day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE S.S.SUNDAR

CMP.No.13030 of 2021

in SA.SR.No.4381 of 2021

1 M.SARAVANAN

[PETITIONERS]

2 M.PERIYASAMY

Vs

M.VENKATRAMAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased To condone the delay of 830 days in preferring the above Second Appeal before this Hon'ble Court and pass such further or other orders as may be deemed fit and proper in the circumstances of this case (in CMP.No.13030 of 2021).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.VASUDEVAN, Advocate for the petitioners and of MR.S.DORAISAMY, Advocate for the Respondent, the court made the following order:-

This petition is filed to condone the delay of 830 days in filing the above second appeal.

2.Heard the learned counsel appearing for the petitioners and the respondent.

3.Learned counsel appearing for the petitioners referred to the facts stated in paragraph No.12 of the affidavit filed, contending that the delay is neither willful nor wanton. It is stated by the petitioners that they have misplaced and lost the original copy of the judgment and decree in the first appeal and he could inform the same to their advocate only in the month of March 2020 for applying copies.



4.It is the case of the petitioners that the reason for the delay is due to negligence and the intervening Covid Pandemic situation. This Court has gone through the facts stated in the affidavit. Even though, the negligence of the petitioners is admitted, this Court is expected to show some leniency, especially when specific reasons are stated by the petitioners for the long delay. Since the delay could have been avoided by showing due diligence, this Court is inclined to allow this petition on terms.

5.Accordingly, this condone delay petition is allowed on payment of cost of Rs.10,000/- (Rupees Ten Thousand only) to the respondent or the learned counsel appearing for the respondent within a period of two weeks from the date of receipt of a copy of this order.

-sd/-

28/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT JUDGE,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE ADDITIONAL SPECIAL JUDGE,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

Order

in

CMP.No.13030 of 2021

in SA.SR.No.4381 of 2021

Date :28/03/2022

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