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C.M.P.Nos.5263 & 5199 of 2021

in

S.A.Nos.657 & 658 of 2000

C.V.KARTHIKEYAN,J.

Both these applications have been filed seeking to condone the delay of 236 days in filing the applications to set aside the order of dismissal of both the aforementioned second appeals on 02.07.2019.

2.In the affidavit filed, it has been stated that the two appeals had been listed on 02.07.2019 and as a matter of fact, the appellants have also been brought on record as the legal representatives of the sole appellant, who had died pending the appeal. Further, it had been stated that however on that particular date i.e. on 02.07.1019, the counsel had not appeared and that such non appearance is neither willful nor wanton. With respect to the delay, it had been stated that the order of dismissal came to the knowledge of the appellants only on 19.03.2020 and thereafter, papers had to be signed and in between the Covid-19 pandemic crept in leading to lockdown and practical closer of every possible work. In view of all these situations, there was a delay of 236 days.



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3. Heard the learned counsel for the respondents counsel.

4. In view of the particular reason stating the lock down period, I am of the opinion that some indulgence can be granted to the appellant and the delay can be condoned, particularly, also because the appeals had been admitted and the substantial questions of law have been framed, which costs a burden on the Court to answer the substantial questions of law. Both these applications are therefore allowed and the delay condoned.

5. Registry may number the connected applications in S.A.No.657 of 2000 including the application to set aside the order of dismissed for default and also application to bring on record legal representatives.

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22.06.2022



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