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C.M.P.No.4619 of 2022

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in
A.S(SR).No.117609 of 2021

C.V.KARTHIKEYAN,J.,

This petition has been filed seeking to condone the delay of 674 days in filing the First Appeal against the Judgment and Decree dated 18.11.2019 in O.S.No.93 of 2007 on the file of the Principal District Court, Villupuram.

2.O.S.No.93 of 2007, was a suit for partition and aggrieved by the Judgment passed therein, A.S.No.438 of 2021 has already been filed on the file of this Court. There is yet another appeal in A.S.No.969 of 2020. A.S(SR).No117609 of 2021 had been filed by yet another party to the said suit questioning the Judgment and Decree and further in filing the said appeal, there is a delay of 674 days.

3.The present application has been filed seeking to condone the said delay.

4.In the affidavit filed in support of the said application, it had been stated that owing to the continuous prevailing Covid-19 pandemic and owing to the age of the first and fourth petitioners, they were not able to contact their advocate and they were not able to present the appeal in time. It was also stated that the original order was misplaced and could not be traced. It was therefore stated that in view of all these aspects there was a delay in filing the First Appeal. It was also stated that there were also talks for settlement, and in the meanwhile, A.S.No.969 of 2020 came to be filed.



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5.This necessitated the petitioners herein to file similar appeal questioning the Judgment passed by the Trial Court.

6.Heard the learned counsel for the respondents, who also stated that it would only be appropriate that the Appeal Suits are heard together and that opportunity may be granted for the present petitioners to also agitate the issues in manner known to law.

7.Taking into consideration the various facts and circumstances, though the delay is considerable, I hold it can be condoned. As a fact, covid-19 pandemic was prevailing during that particular period. The Hon'ble Supreme Court had also passed judicial orders condoning delay by extending the period of limitation. Even though that particular order may not apply to the petitioners herein still, to a considerable period of time, the delay can be attributed to the said covid-19 pandemic.

8.For the reasons aforesaid, the petition is allowed.

23.03.2022

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Note: Registry is directed to number the Appeal Suit in A.S.(SR).No.117609 of 2021, if it is otherwise in order.

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