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C.M.P.No.4971 of 2022
in W.A.No.SR31093 of 2021

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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.KRISHNAKUMAR,J.

(Order of the court was made by the Hon'ble Acting Chief Justice)

This petition has been filed to condone the delay of 660 days in filing the appeal against the order dated 27.4.2019 passed in W.P.No.31636 of 2017.

2. Learned counsel for the petitioners submitted that the learned Single Judge after rightly appreciating the claim of the petitioners directed the third respondent to either return the amount of Rs.10,89,000/- along with interest at the rate of 18% per annum from the date of receipt till date of payment, or to identify an alternate site of comparable value in terms of the present prevailing market value of the property in question and handover the same to the petitioners within a period of four weeks from the date of receipt of a copy of the said order. Since the learned Single Judge has



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granted an alternative relief, learned counsel for the petitioners submits that the petitioners would be adversely affected if the third respondent grants the first relief of return of amount instead of alternative land, as the petitioners would be left homeless.

3. Learned counsel for the petitioners further submitted that even though the petitioners filed a petition to modify the order dated 27.4.2019 by filing W.M.P.No.26221 of 2019 in W.P.No.31636 of 2017, the learned Single Judge dismissed the miscellaneous petition by order dated 2.1.2020. Thereafter, due to restriction in movement on account of the drastic surge in the number of Covid-19 cases in the country, the petitioners were unable to file the appeal immediately. It is further submitted that the Apex Court has excluded the period from 15.3.2020 to 28.2.2022 for the purpose of limitation and, therefore, the delay may be condoned.

4. A counter-affidavit has been filed by the third respondent raising serious objection against the prayer for condonation of



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delay.

5. Considering the fact that the delay occurred on account of the Covid-19 pandemic situation and that the Apex Court has also excluded the period from 15.3.2020 to 28.2.2022 for the purpose of limitation considering the surge in Covid-19 cases across the country, we condone the delay of 660 days in filing the appeal.

This petition is ordered accordingly, however, subject to payment of subject to payment of Rs.5,000/- by the petitioners to the credit of Madras High Court Advocate Clerks Welfare Association within two weeks from the date of receipt of a copy of this order.

(T.R., A.C.J.) (D.K.K., J.)
1.11.2022

sasi



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