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C.M.P.No.10523 of 2022

in

S.A.SR.No.55025 of 2022

P.T.ASHA, J.,

The above application is filed for condoning the delay of 799 days in filing the appeal. The reason that has been given is that the lower Court counsel had fallen ill and was therefore unable to obtain the certified copies of the Judgement and Decree and in the interregnum the pandemic had also set in, therefore there delay.

2. The respondent has filed a counter affidavit refuting the contents of the appellant and stating that there is no explanation for the copy application not having been filed for above over 29 months and that the affidavit is bereft of details. Be that as it may, considering the fact that the petitioner has stated that his counsel, who has aged over 82 years, had fallen ill suddenly and his ill health had prevented him from making of the copy application and the litigant cannot be made to suffer for the lapse of his counsel, this Court is inclined to condone the delay. Further the appeal has been filed as soon as the copy application has been received by the appellant.

3. The Registry is directed to number the appeal and post the matter on 20.09.2022 and also print the respondent's name.

16.09.2022

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P.T.ASHA, J.,

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C.M.P.No.10523 of 2022

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16.09.2022