



**C.M.P.No.11873 of 2021
in C.M.A.SR.No.56616 of 2021**

**K.KALYANASUNDARAM, J
and
V.SIVAGNANAM, J**

This petition has been filed to condone the delay of 868 days in filing the appeal.

2.In the affidavit filed in support of this petition, it is stated that though the Judgment copy was made ready and delivered on 21.08.2017, due to the death of the husband of the 1st petitioner, they are suffering financially and they are illiterate. Further, the Covid-19 pandemic is also one of the reason. After arranging money from their relative, this appeal has been filed with a delay.

3.Per contra, the learned counsel for the 2nd respondent referring the counter filed by the 2nd respondent contended that the petitioner has not shown sufficient cause for condoning the delay. Even prior to Covid-19 pandemic, the Judgment copy was made ready.

4.Perusal of the records show that the petitioners/claimants are wife, minor children and parents of the deceased. According to the 1st claimant, after the death of her husband, the entire family is suffering financially.

5.In the light of the above fact, we are inclined to condone the delay in filing the appeal. However, the claimants are not entitled for interest from the date of Judgment, till the date of numbering of the appeal.

6.In the result, this Civil Miscellaneous Petition is allowed and the delay of 868 days in filing the appeal is condoned.

(M.K.K.S.J.) (V.S.G.J.)
10.03.2022



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