



C.M.P.No.13733 of 2022
in S.A.Sr.No.73245 of 2022

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P.T.ASHA, J.,

The above petition has been filed by the appellant / second defendant seeking to condone the delay of 446 days in filing the appeal.

2. The reasons stated for the delay is that the petitioner had to mobilise the funds for litigation expenses. The judgment copy in A.S.No.44 of 2018 was made ready on 18.10.2021. However, in view of the lock down due to the covid pandemic situation, the orders of the Hon'ble Supreme Court were in force and after deducting that period, the delay is only 446 days.

3. However, the learned counsel for the second respondent/first defendant vehemently opposed the condonation of delay. He would submit that the appellant is the second defendant and the purchaser of the property, after the agreement of sale that the first respondent had entered into with the plaintiff and his attempt is only to ensure that the plaintiff does not enjoy the fruits of the decree.



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srn

4. Heard Mr.K.Thangarasu, learned counsel for the appellant/second defendant and Mr.K.Vijayaraghavan, learned counsel for the second respondent/first defendant.

5. Considering the fact that the delay is only of a few day and adequate reasons have been given for the same, namely, mobilisation of funds to meet the litigation expenses as also the covid lock down, this Court is inclined to condone the delay of 446 days and accordingly, the delay is condoned. This petition is allowed as prayed for.

14.09.2022

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