



C.M.P. No.19740 of 2
in S.A. Sr. No.106031 of 2019

C.M.P. No.19740 of 2021
in S.A. Sr. No.106031 of 2019

S.S.SUNDAR, J.,

This petition is filed to condone the delay of 1772 days in filing the above second appeal.

2. Despite notice being served on the sole respondent and the name of the respondent is printed in the cause list, there is no representation on behalf of the respondent. Hence, this Court is inclined to dispose of this petition on merits.

3. Heard Mr. K.Magesh, learned counsel for the petitioner.

4. The petitioner is the Commissioner, City Municipal Corporation, Coimbatore who has preferred an appeal as against the judgment and decree of the lower appellate Court reversing the judgment and decree of the trial Court in respect of property which was reserved for public purpose.

5. In the affidavit filed in support of the petition, it is stated that the responsible officer of Coimbatore Corporation namely the Assistant Town



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Planning Officer, died due to Cancer and that no one was assigned to take care of the case due to non-availability of sufficient number of employees in the Coimbatore Corporation.

6. The reasons stated by the petitioner in the affidavit filed in support of petition are convincing. Having regard to the nature of reasons, this Court is unable to discard the reasons stated by the petitioner for the delay in filing the above appeal. Since this Court is convinced with the reasons stated in the affidavit and finds that there is no negligence that can be inferred from the conduct of petition, is inclined to allow this petition.

7. Accordingly, the Civil Miscellaneous Petition is allowed and delay of 1772 days in filing the above appeal is condoned.

08.04.2022

Note: Registry is directed to number the above appeal if the papers are otherwise in order and list the appeal in usual course.
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