



CMP.No.18272 of 2022

in

S.A.No.631 of 2004

KRISHNAN RAMASAMY.J.,

This petition has been filed praying to condone the delay of 1058 days in representing the petitions filed in CMP SR Nos.113966 & 113967 of 2019 in the above Second Appeal.

2.Heard, Mr.P.Dinesh Kumar, learned counsel for the petitioner/appellant.

3.Mr.S.Francis Ashok, learned counsel for the second respondent has submitted that the respondents 1 & 4 had passed away.

4.The learned counsel for the petitioner / appellant would submit that after dismissal of the appeal for default, necessary petitions, viz., Nos.113966 & 113967 of 2019 were filed in time, however, they were returned for compliance of certain defects. However, due to health issues, the previous counsel could not represent the petitions in time and later informed



his inability to continue and suggested the petitioner to engage another counsel and thereafter, due to pandemic situation, the petitioner was unable to engage counsel to represent the petitions and thereby, the delay had occurred, which is neither willful nor wanton and hence, the learned counsel would urge this Court to condone the delay and enable to the petitioner to represent the petitions in CMP SR Nos.113966 & 113967 of 2019.

5.In view of the submission made by the learned counsel for the petitioner/appellant as well as the reasons assigned in the affidavit filed in support of the petition, this petition is allowed as prayed for.

16.11.2022

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