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**C.M.P.No.20415 of 2022**  
**in**  
**A.S.SR.No.127332 of 2022**

**S.SOUNTHAR, J.**

The petitioner herein filed the main first appeal challenging the judgement and decree dated 18.02.2022 passed in O.S.No.4643 of 2019 on the file of the XVI Additional City Civil Court, Chennai. The suit is for specific performance. In support of the petition to condone the delay of 117 days in filing the first appeal, the petitioner had filed an affidavit stating that the agent of the respondent entered into negotiation for settlement with petitioner's daughter and dragged on the matter for some time and once limitation expired for filing appeal, he refused to get along with settlement talks. The statement of the petitioner in 5<sup>th</sup> paragraph of his affidavit was generally denied by the respondent, but however there is no specific denial. Apart from the said reasons stated in the affidavit, the petitioner also stated that the age and health of the petitioner are reasons for delay in filing the first appeal. In view of the fact that petitioner is aged about 75 years and also the reasons assigned by the petitioner in support of the petition for condone delay, the delay is condoned and this petition is allowed.

28.11.2022

jai

**Note:** Registry is directed to number the First appeal and stay petition and post the matter for hearing.



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**S.SOUNTHAR, J.**

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