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C.M.P.No.1599 of 2021

in

SA.SR.No.881 of 2021

P.T. ASHA, J.

The above application is filed for condoning the delay of 482 days in filing the Second Appeal.

2. The 2nd appellant/ 2nd petitioner herein who is the deponent to the affidavit filed in support of the application for condoning the delay of 482 days would submit that prior to the pronouncement of the judgement in the First Appeal by the Sub Court, Kangeyam on 30.08.2018, he had suffered a fracture on his neck with the rotator cut injury. He was totally bed ridden and had to be hospitalized. A surgery was also performed on him which had resulted in certain complications. He was therefore out of action from August 2018 to December 2019. Subsequently, certain medical complications had arisen and he had fallen down for the second time and sustained injury to his left hip for which once again he had to undergo treatment.



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3. It was only in the 3rd week of March that he had recuperated and contacted his counsel at Kangeyam to learn about the status of the case. He came to learn that he had to prefer a Second Appeal by which time the country had gone under a lock down and ultimately he could obtain the copy of the order only on 09.12.2020 and immediately he has taken steps to file the appeal. However, in the process, the delay of 482 days has occurred.

4. There is no serious objection to the contents of the affidavit filed by the 2nd appellant/ 2nd petitioner herein. Therefore, it can be taken that the statement made therein is true. Therefore, taking note of the medical condition of the petitioner which had prevented him from approaching the Court immediately, the petition is allowed and the delay of 482 days is condoned.

5. The Registry is directed to number the appeal if it is otherwise in order and print the name of Mr.Govi Ganesan for R.1 and Mr.Tamilnidhi, AGP for R.2 to R.5 when the matter is listed for admission.



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13.10.2023