



C.M.P.No.10892 of 2023
in W.A.No.SR77829 of 2017



R.MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

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(Order of the court was made by *R.MAHADEVAN, J.*)

This civil miscellaneous petition has been filed by the petitioner seeking to condone the delay of 1640 days in filing the above appeal.

2. Mr.Stalin Abimanyu, learned Additional Government Pleader, who takes notice for the respondents submitted that he has no objection in allowing this petition seeking condonation of delay.

3. We perused the affidavit filed in support of this petition, wherein, the petitioner has stated that the appeal was filed in time, but, his earlier counsel had taken the papers back from the Registry for correcting certain defects, but, unfortunately, the papers were misplaced in the office of the counsel and due to COVID-19 pandemic situation, he was unable to contact his counsel in person. It is further stated by the petitioner that only in the first week of March 2022, when he met his counsel, he was informed of all the events and finally, the papers were traced in the second week of March and thereafter, he has given change of vakalat and engaged a new counsel. Thus, the delay occurred is neither wilful nor wanton and therefore, the same may be condoned.

4. Having regard to the reasons stated by the petitioner, which appear to be bonafide, considering the huge delay in filing the appeal, we are inclined to condone the delay subject to payment of costs of Rs.5,000/- by the petitioner to the High Court Legal Services Committee, Chennai, within a period of two weeks from the date of receipt of copy of this order.

R.MAHADEVAN, J.

AND



MOHAMMED SHAFFI

nsd

5. Upon production of receipt for payment of costs, this civil miscellaneous petition stands ordered.

[R.M.D., J.] [M.S.Q., J.]
12.06.2023

nsd

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