



WEB COPY



C.M.P. No.8040 of 2023
in
A.S.SR.No. 17579 of 2023

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in

A.S.SR.No. 17579 of 2023

S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

The above C.M.P. is filed to condone the delay of 254 days in preferring the appeal suit.

2. Learned counsel for the respondent opposed the condonation of delay on the ground that though the judgment and decree in the original suit in O.S. No. 85 of 2018 was pronounced on 23.07.2020, the copy application was filed only on 15.02.2022; a certified copy of the judgment and decree was made ready on 28.02.2022 and the appeal suit was filed only on 15.03.2023. There is no proper explanation given for the delay. Hence, the learned counsel for the respondent would submit that the miscellaneous petition filed to condone the delay has got to be rejected. However, the



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in
A.S.SR.No. 17579 of 2023

learned counsel would submit that, on terms, the miscellaneous petition may be allowed.

3. In the light of the submission made by the learned counsel for the respondent, when this Court posed a query to the learned counsel for the petitioners with regard to condoning the delay by putting the petitioners on terms, learned counsel for the petitioners agreed to pay 50% of the amount determined as per the judgment and decree dated 23.07.2020.

4. Accordingly, the delay is condoned on the petitioners depositing a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of O.S. No. 85 of 2018 on the file of IV Additional District and Sessions Judge, Coimbatore, within a period of one month from the date of receipt of a copy of this order failing which the C.M.P. would stand dismissed automatically without any further reference to this Court.



C.M.P. No.8040 of 2023
in
A.S.SR.No. 17579 of 2023

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5. In the event of the amount, as agreed, being deposited, Registry is directed to number the appeal suit, if it is otherwise in order, on production of proof of deposit.

nv

(S.V.N.J.) (K.R.S.J.)
08.06.2023



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