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CMP.No.5259 of 2022
in
A.S. SR.No.28004 of 2022

S.M.SUBRAMANIAM.J.,

The learned counsel appearing on behalf of the petitioner made a submission that in respect of the judgement and decree passed in O.S. No.144 of 2015 dated 16.11.2017, the petitioner herein already filed AS.No.282 of 2018 which is pending before this Court. While so, the petitioner inadvertently not filed appeal suit against the judgement and decree in respect of the counter claim which is also to be filed in the opinion of the petitioner.

2.The learned counsel for the petitioner states that appeal against the counter claim was not filed mistakenly and it is not the case where the petitioner has not taken steps to prefer an appeal, in fact the petitioner filed an appeal against the judgement and decree passed in O.S.No.144 of 2015 in A.S. No.282 of 2018, which is pending and therefore, no prejudice would be caused in the event of condoning the delay since the appeal is proposed to be preferred against the counter-claim set out in the original suit.

3.Considering the facts and circumstances, the delay of 1488 days in representing the Appeal Suit is condoned. Thus, the petition is ordered.

sha

14.02.2023

NOTE: The Registry is directed to number the above Appeal Suit, if it is otherwise in order.



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