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C.M.P.No. 9018 of 2023
in
A.S. SR. No. 66126 of 2019

T.V. THAMILSELVI, J.

Challenging the award passed in C.M.A.No. 98 of 2004, the petitioner preferred an appeal, however there is a delay of 1380 days in representing the above appeal arose. Hence, the present petition has been filed to condone the delay in representing the appeal.

2. Mr.A.Tamilarasan, learned counsel for petitioner submitted that since because, due to his health condition, he was not able to represent the appeal in time. He would also submit that already he has filed a Writ Petition in W.P.No. 4832 of 2010 challenging the auction notice and the same was not accepted by this court. Thereafter, the property was sold without applying proper procedures. So, the petitioner is having valid defence, however, due to wrong advise, he was not able to represent the appeal in time and due to Covid-19 pandemic period, he was not able to approach his counsel and there is a delay of 1380 days arose in representing the above appeal and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.



3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one. Accordingly, this court is inclined to allow this petition. Registry is directed to number the above Appeal if it is otherwise found to be in order and post the matter on 15.06.2023.

20.04.2023

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