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*C.M.P.No.12443 of 2023
in A.S.No.266 of 2016*

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D.BHARATHA CHAKRAVARTHY, J.

This application is filed to condone the delay of 1839 days in filing the petition to set aside the order of dismissal of the Appeal Suit.

2. When the matter came up for hearing, this Court insisted that unless the main appeal is argued, the application for condonation of delay cannot be ordered separately.

3. However, the learned Counsel for the appellants submits that only if the condone delay is ordered and the Appeal Suit is thereafter restored, he will be in a position to argue the matter. In spite of giving sufficient opportunity to the learned Counsel for the appellants to argue the matter on merits, they are not coming forward to argue the matter.

4. A perusal of the affidavit filed in support of the application to condone the delay, it is stated that due to Covid-19 pandemic, the appellant did not know the fate of the Appeal Suit and he was under the impression that the Appeal Suit was pending. It is seen that the Appeal Suit was dismissed in the year 2018.

5. Therefore, no acceptable reason is mentioned in the affidavit filed in support of the application to condone such a huge delay and is accordingly dismissed.

26.06.2023
(1/2)

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