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C.M.P.No.19137 of 2021



C.M.P.No.19137 of 2021
in
S.A.SR.No.89382 of 2020

P.T.ASHA, J.,

This petition is filed to condone the delay of 756 days in filing the above appeal in S.A.SR.No.89382 of 2020.

2. Heard the learned counsel for the petitioner/appellant.

3. The private notice sent to the first respondent has been served on 14.11.2023. The Court notice sent to the second respondent has been returned as "unclaimed" and the endorsement would show that intimation has been delivered on two occasions. Therefore, there is a deemed service on the second respondent as well.

4. The learned counsel for the petitioner/appellant would submit that the petitioner had not preferred any appeal on account of the fact that his elder brother has undertaken to file an appeal on his behalf as well and it is only when he received the notice in S.A.No.101 of 2018, he came to know that his brother has not filed the appeal on his behalf.

Therefore, there was a delay in filing the present appeal.



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5. Considering the reasons assigned in the affidavit filed in support of this petition and the respondents have been served, this petition is allowed and the delay of 756 days in filing the above appeal in S.A.SR.No.89382 of 2020 is condoned.

6. The Registry is directed to number the appeal, if it is otherwise in order and list the same for admission.

14.12.2023

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