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C.M.P.No. 4601 of 2023
in
A.S. SR. No. 39417 of 2021

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 899 days in filing the above appeal.

2. Challenging the award passed in LAOP.No.23 of 2009, on the file of Sub-Judge, Dharapuram, there is a delay of 899 days in filing the appeal on the side of appellant. Since because the papers were mixed up with other papers, there is a change in the Government due to Covid-19 pandemic and also due to lack of communication, they were not able to file an appeal in time. The delay is neither willful nor wanton, but only due to the aforesaid reasons. The learned counsel also submitted that the execution proceedings is also pending. Accordingly, he has filed the above petition.

3. On perusal of records, it is seen that LAOP was filed in the year of 2009 and the judgment and decree was passed on 21.08.2017 and now, the appellant has preferred the appeal. However, they have applied for certified copy, but they could not obtain the same in time. Moreover, the reasons assigned by the petitioner stating that due to Covid-19, there is a change in the Government and also there is possibility of lack of



communication, which are acceptable one. Therefore, on considering the facts and circumstances, and taking into consideration of the fact that in order to give a speedy disposal of the award claim, since the claim is pending from the year of 2009 and the execution proceeding is also pending, this court is inclined to condone the delay of 899 days in filing the above appeal and to allow this petition.

4. Registry is directed to number the Appeal Suit if it is otherwise found to be in order and post the matter on 13.06.2023 along with AS SR.Nos.39411 to 39416, 39418 & 39419 of 2021.

5. Issue notice to the respondent through court returnable by 13.06.2023. Private notice is also permitted.

13.04.2023

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