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C.M.P.No.21018 of 2023
in
A.S.Sr.No.104817 of 2023

R.SUBRAMANIAN, J.
and
R.KALAIMATHI, J.

Though the delay is of 647 days, we are satisfied with the reasons assigned to the effect that the petitioner could not arrange the Court fee payable in the appeal, since the suit which was for specific performance was decreed for the alternative relief and refund of advance.

2.Considering the defence that was advanced before the Trial Court and the fact that the Trial Court has rejected the main relief of specific performance on the premise that there is a doubt as to the character of the suit agreement itself, we feel that it is a fit case where the delay should be condoned. Accordingly, this petition is ordered, the delay of 647 days in filing the appeal is condoned.

3.Registry is directed to number the appeal and post the stay petition on 21.09.2023.

(R.S.M., J.) (R.K.M., J.)
13.09.2023

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