



C.M.P.No.19517 of 2023
in W.A.No.SR92071 of 2019



R.MAHADEVAN, J.
AND
P.D.AUDIKESAVALU, J.

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This civil miscellaneous petition has been filed by the petitioner seeking to condone the delay of 1413 days in re-presenting the above appeal.

2. Heard the learned counsel for the petitioner, who submitted that the delay in filing the present appeal has occurred due to COVID-19 pandemic situation and further, the petitioner was unable to communicate with the previous counsel and therefore, the delay occurred, is neither wilful nor wanton and so, the same may be condoned.

3. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the petitioner and also taking note of the legal position that the substantial justice is paramount consideration rather than technicalities, this court is inclined to condone the delay in filing the appeal. Accordingly, the delay is condoned and the petition is ordered.

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

[R.M.D., J.] [P.D.A., J.]
28.08.2023

nsd



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