



C.M.P. No. 6291 of 2023
in A.S.SR.No. 144893 of 2022

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 205 days in filing the appeal against the judgment and decree passed in LAOP.No.322 of 2007 dated 31.01.2020 on the file of Addl. Subordinate Judge, Chengalpattu @ Kancheepuram Dt.

2. Mr.T.Chandrasekar, learned Special Government Pleader appearing for the appellant submitted that due to Covid-19 pandemic, the appellant's predecessors were assigned other duties in relating to the pandemic in coordination with health department officials by controlling the crowd in public places. On respect of same purpose of acquisition, common judgment were passed by the learned Sub-Court and the case bundle was mixed up with other files, which could not be traced out in time. He would further submit even after assumption duty of appellant, he was deputed to Covid-19 pandemic related works upto March 2022 and after great effort, the judgment and decree was traced out only on 08.12.2022 and immediately it was forwarded to the Government Pleader Office to file appeal. However, there is a delay of 205 days in filing this petition arose. Hence, he filed this petition to condone the delay in filing the above appeal.



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3. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one. Accordingly, this court is inclined to allow this petition and Registry is directed to number the Appeal if it is otherwise found to be in order.

4. Furthermore, today, when the matter taken up for hearing and on seeing the earlier order of the officer i.e. learned Addl. Subordinate Judge, Chengalpattu @ Kanchipuram, who enhanced the award amount of Rs.3100/- per cent to Rs.52,320/- per cent by relying the sale deeds produced on the side of claimants which were registered after initiation of acquisition process. The trial Judge, had passed a judgment and decree dated 31.01.2020 non-application of mind and the same would cause heavy liability on the State. Hence, petitioner had a valid defence.

12.04.2023

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