



C.M.P. No. 7742 of 2023
in
A.S.SR. No. 16100 of 2018

S. VAIDYANATHAN,J.
AND
R.KALAIMATHI,J.

When the matter is taken up for hearing, learned counsel for the respondent vehemently opposed the petition for condonation of delay stating that there has been inordinate delay in preferring the appeal suit and that there is no explanation given for such a huge delay.

2. However, learned counsel for the petitioner would submit that the number of days of delay has been wrongly calculated and it comes to around 312 days and not 1476 days as contended by the respondent. The learned counsel would submit that the date of judgment and decree in O.S. No. 19 of 2015 was 21.10.2016; the copy application was made on 24.10.2016; the judgment was made ready on 18.01.2017 and the appeal was filed on 22.02.2018. Hence, there was actually a delay of 312 days in preferring the appeal and not 1476 days.

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nv

3. In response, learned counsel for the respondent would submit that even the delay of 312 days need not be condoned for want of acceptable



reasons in the affidavit filed in support of the miscellaneous petition to condone the delay.

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4. Taking note of the fact that the bundle had been misplaced and that talks were going on with regard to feasibility of settlement of the matter, no prejudice is going to be caused if the delay of 312 days in condoned.

5. Accordingly, the delay is condoned and the petition is ordered as prayed for.

nv

(**Note to Office:** Registry is to number the appeal suit, if it is otherwise in order.)

(S.V.N.J.) (R.K.M.J.)
18.04.2023

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