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CMP.No.7175 of 2020
in
A.S. SR.No.56240 of 2017

S.M.SUBRAMANIAM.J.,

The Civil Miscellaneous Petition has been filed to condone the delay of 1331 days in filing the Appeal Suit against the award passed in L.A.O.P. No.198 of 2009, dated 22.08.2013.

2.The learned counsel for the petitioner made a submission that the petitioner is a Temple and the administration of the trust was initially with the Special Officer who handled all the files. Subsequently, there was a change of management in the year 2014. The new administration was not aware of the award and when the notice for review of the award was received, the papers were not with the new administration. Thereafter, the petitioner applied for the copy of the award on 04.04.2014 with a delay of 223 days from the date of passing of the award. Since there was a delay in receiving the copy of the award from the Court, the petitioner was not in a position to prefer an appeal within the time limit. Further, it is contended that the petitioner/Temple is in possession of the original title deeds and the respondents were only in possession of the property and therefore, the petitioner now has to protect the interest of the Temple in respect of the subject suit property.



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3.The compensation in the L.A.O.P. had been awarded to the persons who are not the owners and the right of the petitioner/Temple has been denied. Thus, the petitioner states that delay is neither willful nor wanted but due to the fact that they were not aware of the award and more so, there was a delay of 223 days in receiving the certified copy of the award from the Court for which the petitioner is not responsible.

4.Considering the facts and circumstances, sufficient reasons have been stated in support of the petition. Accordingly, the delay of 1331 days in filing the Appeal Suit is condoned.

5. Thus, the petition is ordered.

16.02.2023

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NOTE: The Registry is directed to number the above Appeal Suit, if it is otherwise in order.

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