



WEB COPY



C.M.P. No. 3263 of 2024
in A.S.SR. No.5757 of 2024

**C.M.P. No. 3263 of 2024
in A.S.SR. No.5757 of 2024**

**M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

(Order of the Court was made by K.GOVINDARAJAN THILAKAVADI, J.)

This civil miscellaneous petition is filed for condonation of delay of 102 days in filing the present appeal against the judgment and decree dated 24.01.2023 passed in O.S.No.58 of 2015 on the file of the District Court, Karaikal.

2. According to learned counsel appearing for the petitioner/appellant, due to insufficient funds, the petitioner was unable to file the appeal in time. Said statement is reiterated in paragraph 8 of the support affidavit. It is further submitted that the said delay is neither wilful nor wanton and the same had occasioned only due to the circumstances stated above. Learned counsel further submits that unless and until the delay is condoned, the petitioner will be put to irreparable loss and great hardship. Hence he prays for allowing the petition.

3. On the other hand, Mr.Gohul, learned counsel representing Mr.J.Milton Pon Davidson, learned counsel for respondents would



WEB COPY



C.M.P. No. 3263 of 2024
in A.S.SR. No.5757 of 2024

**M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

mmi

submit that the petitioner ought to have been more diligent in preferring the appeal in time and the reason stated in the support affidavit is not sufficient to condone the delay.

4. Heard both sides and perused the records.

5. Considering the facts and circumstances of the case and to afford an opportunity to the petitioner to put forth his contention in the appeal suit, we are inclined to condone the delay. Accordingly, the delay of 102 days in filing the appeal is condoned and this petition is allowed.

(M.S.J.) (K.G.T.J.)
04.03.2024

mmi

Note: Registry is directed to number the appeal if it is otherwise in order and list the same as per chronology.

**C.M.P. No. 3263 of 2024
in A.S.SR. No.5757 of 2024**