



WEB COPY



C.M.P.No.28658 of 2023

C.M.P.No.28658 of 2023
in
Appeal(CAD)SR.No.9013 of 2023
(Filing Number)

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

[Order of the Court was made by

K.GOVINDARAJAN THILAKAVADI, J.,]

The appellant, who is defendant in COS No.941 of 2022 has preferred the present appeal with delay of 156 days, which is directed against a decree and judgment dated 16.09.2022 passed in COS No.941 of 2022 on the file of Commercial Court at Egmore, Chennai.

2. In the support affidavit, it is mentioned that the delay of 156 days in filing the above appeal occurred, since the petitioner has calculated the date for filing an appeal from the date of receipt of order copy i.e., 25.11.2022 instead of date of order was made ready i.e., 27.10.2022 and therefore, the petitioner / appellant was unable to file the appeal in time.

3. According to the petitioner, for the reasons set out in the supporting affidavit, the delay has occurred. Therefore, the delay is neither willful nor wanton and hence, the delay may be condoned.

M.SUNDAR, J.,



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4. On the other hand, learned counsel for respondents would submit that reasons stated in the supporting affidavit are neither sufficient nor good cause to condone the delay.

5. Keeping in view the reasons set out in the supporting affidavit and submission made by learned counsel appearing for petitioner, we are inclined to allow the said application.

6. Accordingly, Civil Miscellaneous Petition No.28658 of 2023 is allowed and delay is condoned. Registry is directed to number the appeal, if it is otherwise in order and list the same as per chronological order.

[M.S., J] [K.G.T., J]
19.06.2024

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