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C.M.P.No.2732 of 2024

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in
A.S.SR.No.90416 of 2023

P.T. ASHA, J.,

This petition is filed to condone the delay of 141 days in filing the above appeal.

2. The reason that has been given in the affidavit filed in support of this petition is that the petitioner's wife was undergoing a treatment in her brain and was also under medication and that he has two children. On account of the treatment of his wife, he was unable to contact his counsel.

3. The defendant/respondent has filed a counter affidavit *inter alia* contending that the plaintiff has not filed any document to support his contention that his wife is undergoing the treatment. He would submit that both the petitioner and his wife were employed as teachers and from the date of judgment on 22.02.2023 till the date of filing of the appeal on 06.11.2023, they were attending the school



4. Today, a medical report has been filed by the petitioner which is for the period from 10.02.2022 to 14.02.2022, which narrates that the petitioner's wife has undergone a conventional cerebral angiogram under GA on 10.02.2022 and angioplasty of her left MCA under GA on 11.02.2022. The post surgery advice which has been set out in the medical report does show that the patient has to take strict care to ensure that she does not fall, which would result in trauma to her head and also to avoid strenuous activities and lifting weights. The report does indicate a prolonged post operative care which justifies the delay.

5. Therefore, in the light of sufficient reasons has been given, this Court is not inclined to agree with the contention of the respondent that adequate reason has not been given. That apart, taking note of the post operative care, it would go to prove that the presence of the petitioner around his wife was very essential.



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Therefore, this Court is inclined to condone the delay. Accordingly, the delay of 141 days in filing the above appeal is condoned and this petition is allowed.

6. The Registry is directed to number the appeal, if it is otherwise, in order and list the same for admission.

17.04.2024

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