



C.M.P.No.2612 of 2024

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in
C.M.A.SR.No.71453 of 2023
(Filing Number)

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

[Order of the Court was made by M.SUNDAR. J]

Captioned 'Civil Miscellaneous Petition' ['CMP' for the sake of brevity] has been filed with a 'Condonation of Delay' ['CoD' for the sake of brevity] prayer. CoD sought is qua delay in representation of the captioned appeal and number of days (delay) is 100.

2. Mr.R.Prabakar, learned counsel on record for appellant draws our attention to paragraph No.5 of the support affidavit which reads as follows:

'5. I filed the above appeal on 05.06.2023, appeal papers were returned for carrying out certain corrections and production of certain documents on 09.06.2023. Again I fell ill and I could not meet my counsel to ascertain the further process in the appeal. After that I contacted my counsel, then I was instructed to give some of the pleadings and evidence and documents relating to the case. I submit that some of the documents and depositions maintained by me was lost, hence I was to approach my counsel in trial Court again and get the other copies. Hence it took some time. Hence the



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delay in representation has occurred. Delay in representation is neither willful nor wanton. Due to the above reason I could not able to represent this appeal in time. I submit that I have not gained anything and the respondent will no way prejudiced if delay is condoned. The delay is also not huge.'

3. Considering the facts and circumstances of the case and nature of the matter, we are inclined to accept the aforementioned reason and accede to the CoD prayer.

4. Captioned CMP is ordered as prayed for. Delay condoned.

[M.S., J]

[K.G.T., J]

15.02.2024

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