



C.M.P.No.5985 of 2024

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to verify as to whether the erstwhile counsel had filed an application for receiving the certified copy of the judgment.

4. The above argument cannot be countenanced for the reason that even though the earlier counsel had applied for the copy application, he had not informed the appellants/petitioners about the passing of the preliminary decree.

5. The reasons that have been given by the appellants/petitioners are sufficient and considering the fact that the suit in question is one for partition, no prejudice could be caused to the respondent if the delay is condoned. Consequently, the delay of 142 days in filing the appeal suit 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.

10.04.2024

SSa



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C.M.P.No.5985 of 2024

P.T.ASHA, J.,

ssa

C.M.P.No.5985 of 2024
in
A.S.SR.No.29091 of 2024

10.04.2024