



C.M.P.No.7550 of 2024

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in
OSA(CAD) (SR) No.37106 of 2024
(Filing Number)

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

[Order of the Court was made by
K.GOVINDARAJAN THILAKAVADI, J.,]

Captioned Civil Miscellaneous Petition has been filed to condone the delay of 167 days in filing the present Original Side Appeal which is directed against the judgment and decree dated 06.06.2023 in C.S (Comm.Div.) No.30 of 2021 made by a learned single Judge of this Court.

2. The reason for the delay has been set out in paragraph 3 of the support affidavit, which reads as follows:

“3. I state that impugned order certified copy was received on 04.08.2023 by my Advocate's office and my Advocate's junior was on maternity leave and there was delay 167 days in filing the present appeal.”



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3. The learned counsel for the petitioner/appellant submits that there occurred a delay of 167 days due to aforementioned reason and therefore, the delay is neither willful nor wanton and prays for allowing this application.

4. On the other hand, Mr.B.Arvind Srevatsa, learned counsel for first respondent submits that neither sufficient nor reasonable cause is shown in the support affidavit and the petitioner ought to have been more diligent in filing the appeal in time.

5. Keeping in view the submissions made by learned counsel for petitioner/appellant, which is supported by the averments in the affidavit, we deem it appropriate to allow this application.

6. Accordingly, this Civil Miscellaneous Petition is allowed and the delay of 167 days in filing the captioned OSA is condoned.

Registry is directed to number the appeal if it is otherwise in order.

[M.S., J]

[K.G.T., J]

30.04.2024

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