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C.M.P.No.17522 of 2021

C.M.P.No.17522 of 2021
in
S.A.SR.No.43650 of 2021
(Filing Number)

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

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

The petitioner / appellant has filed C.M.P.No.17522 of 2021 in S.A.SR.No.43650 of 2021 to condone the delay of 58 days in preferring the aforementioned appeal .

2. In paragraph No.8 of the support affidavit, it is stated that due to the old age ailments of the petitioner and Covid-19 pandemic situation, he was unable to mobilize funds to prefer the appeal in time. Paragraph No.8 of support affidavit reads as follows:

8. I respectfully submit that due to my old age disease and thereafter the pandemic Covid situation, I am unable to mobilize the money. I could not contacted my counsel immediately and advised to file the



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above appeal. Furthermore, during first week of January, I am suffering illness and the Doctor had advised me to take bed rest at least three weeks. I submit that after recovering from my illness, I contacted my Chennai counsel and the above appeal had filed on 21.04.2021.....'

3. Mr.V.R.Anna Gandhi, learned counsel on record for petitioner / appellant would submit that the delay was not intentional or dilatory and therefore, the same may be condoned.

4. On the other hand, Mr.C.Selvaraj, learned Additional Government Pleader for respondents 1 and 2 would submit that the petitioner ought to have been more diligent and moreover, the grounds mentioned in the supporting affidavit are not sufficient to condone the delay.

5. In view of the aforementioned submissions made by the learned counsel for the petitioner / appellant and the reasons articulated in the supporting affidavit, in our considered opinion and in the interest of substantial justice, the delay can be condoned.



WEB COPY



C.M.P.No.17522 of 2021

6. Accordingly, this C.M.P.No.17522 of 2021 is ordered. Delay is condoned. There shall be no order as to costs.

7. Registry is directed to number the main appeal, if it is otherwise in order and list along with connected second appeals and connected CMPs thereat one week hence.

List on 05.04.2024.

[M.S., J] [K.G.T., J]
22.03.2024
(1/4)

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(1/4)