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C.M.P.No.7715 of 2024 in
C.M.A. SR.No.77012 of 2022

**C.M.P.No.7715 of 2024
in
C.M.A. SR.No.77012 of 2022**

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

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

Captioned Civil Miscellaneous Petition is filed to condone the delay of 361 days in representing the appeal papers on the ground set out in paragraph 3 of the supporting affidavit which is extracted hereunder:

'3.I crave leave of this Hon'ble Court to treat the affidavit filed in the Civil Miscellaneous Appeal by the Petitioner Management as part and parcel of this affidavit.

I submit that the above appeal was presented on 20.07.2022. The Registry of this Hon'ble Court returned the Appeal papers on 25.07.2022 for compliance. After compliance the same was represented on 20.10.2022 by paying Deficit Court Fee. Again this Hon'ble Court second time returned the presented appeal papers on 29.11.2022 to file petition with delay affidavit to condone delay in paying deficit court fee. The same was represented after complying the defect on 30.03.2023 along with petition to condone delay of 112 days in representation. However due to oversight the second typed set of papers was not filed



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while representing the appeal. Again this Hon'ble Court returned the appeal papers on 10.05.2023. Since there was no SMS message from the Registry of this Hon'ble Court the same was not verified immediately. Since considerable time was lapsed the office of the Petitioner counsel verified the same with Registry on 15.11.2023 and then only it came to know that the Registry returned the appeal papers as early as 15.11.2023. Immediately after taking return on the same day it was duly represented after full compliance on 01.12.2023. Hence there is a delay of 361 days in representing the appeal papers. The delay is neither wilful nor wanton, but due to the reasons stated above. The delay is not condoned the Petitioner Corporation will be put to irreparable loss and hardship....'

2. Reiterating the above reason articulated in paragraph 3, learned counsel for the petitioner would submit that the delay is neither wilful nor wanton. Learned counsel would further submit that if the delay is not condoned, the petitioner Corporation will be put to irreparable loss and hardship.

3. Keeping in view the above submission made by the learned counsel appearing for the petitioner/appellant, we find no reason that the delay was due to negligence on the part of the petitioner/appellant except for the reason articulated in paragraph 3 in the supporting



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affidavit. Therefore, we deem it appropriate that the delay should be
condoned. Accordingly, delay is condoned and this petition is allowed.

(M.S.J.) (K.G.T.J.)
05.04.2024

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