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C.M.P. No. 12297 of 2024
in
Appeal (CAD) SR No. 44579 of 2024

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

(Order of the court was made by K. GOVINDARAJAN THILAKAVADI,J.)

The aforementioned appeal is directed against the *ex parte* judgment and decree dated 21.11.2023 in Commercial Original Suit No. 104 of 2023 on the file of District Judge, Commercial Court at Egmore, Chennai. As there was a delay of 53 days in preferring the above appeal, C.M.P. No. 12297 of 2024 has been filed to condone the said delay.

2. According to Mr.S. Sibbhiraj, learned counsel representing Mr.U. Karunakaran, learned counsel for petitioner, delay of 53 days in preferring the appeal had occurred due to reasons set out in paragraph No.15 of support affidavit, which reads as follows:

'15. I respectfully state that I have contested the COS No. 104/2023 by my previous counsel and all the documents are handed



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over to the previous counsel. Further due to change of trial court counsel I was not able to get the documents from my earlier counsel only in the last week able to get the documents from my earlier counsel only in the last week of March 2024 only I get the documents from my earlier counsel therefore there is a delay of 50 days in filling the appeal the delay in neither will full nor wanton but for the reason stated above. If the delay is not condone I will be put irreparable loss, insolvencies and hardship.'

Learned counsel for petitioner would further submit but for the reasons set out in support affidavit, the delay is neither wilful nor wanton and therefore, he would pray for allowing the application.

3. On the other hand, Mr.B. Viswanathan, learned counsel for respondent resisted the said application stating that neither sufficient nor good cause shown for condoning the delay.



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4. Heard both sides.

5. Considering the reasons set out in the support affidavit and in the interest of justice, we deem it appropriate to allow the delay condonation application.

6. Accordingly, delay is condoned and the petition is ordered as prayed for.

(M.S.J.) (K.G.T.J.)
27.06.2024

nv

(Note to Office: Registry is directed to
number the appeal suit, if it is in order)



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