



WEB COPY



C.M.P.No.10812 of 2023
in
C.M.A.SR.No.61848 of 2023

KRISHNAN RAMASAMY, J.

This petition is filed to condone the delay of 2133 days in filing the C.M.A.SR.No.61848 of 2023.

2. The learned counsel for the petitioner submitted that, though the papers were given by the appellant in time to the earlier counsel, he has not filed the appeal in time. After getting papers from the earlier advocate, now he has filed the present appeal with a delay of 2133 days. The delay is neither wilful nor wanton and only due to misplacing of the bundle in the office of the earlier counsel. Further, he submitted that the petitioner/appellant has good case on merits. Hence, he prays for condonation of the delay.

3. On perusal of the affidavit and considering the submission made by the learned counsel for the petitioner, this Court is unable to view all the materials and no substantial materials have been provided to show that the papers are handed-over to the lawyer's office before filing the application. However, ultimately the affected party is only petitioner/appellant. Under these circumstances, this Court do not want to let the claimant to get suffered. Therefore, in the interest of justice, the delay is



condoned on condition that if any enhancement is made in the appeal, the claimant will be entitled interest only from the date of numbering of the appeal, for which the petitioner/claimant also agreed.

4. With the aforesaid observation, this application is allowed.

22.02.2024

jd



WEB COPY



KRISHNAN RAMASAMY, J.

jd

C.M.P.No.10812 of 2023

in

C.M.A.SR.No.61848 of 2023

22.02.2024