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*C.M.P. No.13331 of 2024
in C.M.A. SR. No.38918 of 2024*

**C.M.P. No.13331 of 2024
in
C.M.A. SR. No.38918 of 2024**

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

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

Captioned 'Civil Miscellaneous Petition' (hereinafter 'CMP' for the sake of brevity) has been filed to condone the delay of 9 days in filing the appeal in C.M.A. SR. No.38918 of 2024 against the order dated 29.09.2023 passed by the learned Principal District Judge, Kanchipuram at Chengalpattu in I.A.No.3 of 2021 in C.O.S. No.468 of 2021.

2. Learned counsel for the petitioner would submit that due to administrative reasons and getting approval of the Board for filing appeal, the delay of 9 days had occurred and but for the reason set out in paragraph 4 of the support affidavit the delay would not have occurred. Paragraph 4 of the support affidavit reads as under:



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'4. I state that impugned order was passed on

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29.09.2023 and the copy application was filed on 03.10.2023 and was made ready only on 11.01.2024.

After the same was handed over to our counsel, we had to take approval of the board for filing the appeal and the same was e filed on 10.03.2024 within the time for filing the appeal. However, the physical filing was made on 20.03.2024 and hence there arises a delay of 9 days in filing the appeal. There is a delay of 9 days in presenting the appeal through physical mode by the appellants.'

3. Learned counsel for the petitioner reiterated the same and submitted that the delay is neither wilful nor wanton and if the delay is not condoned, the petitioner will suffer irreparable loss. Hence he prays for condoning the delay.

4. Mr.Nitin Bhasin, learned counsel for respondents would submit that the delay is not properly explained and neither sufficient nor reasonable cause is shown by the petitioner to condone the delay. Considering the facts and circumstances of the case and keeping in view the submissions made by the learned



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counsel for the petitioner and in the interest of justice, we deem it

appropriate to condone the delay of 9 days in filing the appeal.

Accordingly, this petition is allowed and the delay is condoned.

(M.S.J.) (K.G.T.J.)
21.08.2024

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P.S.: Registry is directed to number the appeal if it is otherwise in order and list the same as per chronology.



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