



C.M.P.No.14

C.M.P.No.14898 of 2024 in
O.S.A.SR.No.82130 of 2024

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HON'BLE ACTING CHIEF JUSTICE
AND
K.KUMARESH BABU,J.

This Civil Miscellaneous Petition has been filed to condone the delay of 275 days in filing the present appeal.

2. Mr.S.Elambharathi, learned counsel takes notice for R3.

3. Learned Senior Counsel for the appellant has submitted that a common order dated 10.08.2023 in O.P.Nos.40 of 2019, etc. batch has been passed by this Court, against which, on the basis of the certified copy, appeals had been preferred in O.S.A.Nos.108, 109, 114 and 121 of 2024 and the same had been admitted by this Court. When the appellant sought to prefer an appeal in this case based on the Decreetal order, Registry has made an objection stating that a separate certified copy is mandatory to file each appeal. Hence, an application was filed for issuance of certified copy of the order and the order was issued only on 05.06.2024, due to which delay had occurred, which is neither wanton nor wilful.

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4. Learned counsel for the 3rd respondent has made a serious objection, stating that the certified copy of the order was made ready on 30.04.2024 itself and the same was received by the appellant only on 05.06.2024, by altering the date as if it was made ready on 05.06.2024.

5. It is seen that already appeals had been filed in respect of the very same order under challenge, which have been admitted by this Court. Considering the fact that serious objection has been raised on the side of the respondent in condoning the delay, we are of the view that the delay may be condoned with costs payable by the appellant herein to other side.

6. Accordingly, this Civil Miscellaneous Petition is ordered and the delay of 275 days in filing the Appeal is condoned, on condition that the appellant shall pay a sum of Rs.5,000/- to the respondents within a period of one week from today.

[D.K.K.,ACJ.] [K.B.,J.]
29.07.2024

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Note: Registry is directed to number the Appeal, if it is otherwise in order and list the same for admission after payment of costs by the appellant.

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