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C.M.P.No.15808 of 2024 in
A.S.S.RNo.83390 of 2024

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SATHI KUMAR SUKUMARA KURUP, J.

Learned Counsel for the Respondent vehemently objects to the filing of the Petition to condone the delay of 349 days in filing the first Appeal.

2. As per the counter filed by the Respondent, the Respondent is the decree holder. The suit was filed for specific performance of contract for sale which was decreed in favour of the Plaintiff. Since the Defendant in the suit has not filed any Appeal on time and also not come forward to execute the sale deed as per the decree within the time granted by the trial Court, the Plaintiff as decree holder has filed E.P.No.97 of 2023 in O.S.No.61 of 2020. Even after filing of the Execution Petition, the Respondent had not co-operated. Therefore, the learned Judge himself / herself had executed the sale deed and it is registered on the file of the Sub-Registrar, Vada Ponparappi as Document No.1200 of 2024. Under those circumstances, the learned Counsel for the Respondent vehemently objects to condone the delay.



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Considering the fact that there is abnormal delay and also the Defendant have notice of the execution of the decree by the learned trial Judge, this Petition has no merit. The Civil Miscellaneous Petition is dismissed.

12.11.2024

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