



C.M.P.No.13968 of 2024

WEB COPY

C.M.P.No.13968 of 2024
in
Appeal(CAD) SR.No.80527 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 has been filed to condone the delay of 29 days in filing appeal in Appeal(CAD) SR.No.80527 of 2024 which is directed against the order dated 16.02.2024 passed in C.O.S.No.406 of 2022 by the Commercial Court at Chennai.

2. The learned counsel for the petitioner/appellant submits that the order copy was made ready on 03.04.2024 and the counsel was under the impression that appeal time is 90 days and the time will expire only on 28.06.2024 but when the counsel filed the appeal in the Registry on 27.06.2024, it was informed by the Registry that there is a delay of 29 days and the petitioner was not aware that time for filing an appeal against the judgment and decree passed by the Commercial Court is 60 days. Hence the delay has been caused.



C.M.P.No.13968 of 2024

WEB COPY

3. The aforesaid reasons are disputed by the learned counsel for the respondent submitting that the reasons set out in the support affidavit are neither reasonable nor sufficient to condone the delay.

4. However, considering the facts and circumstances of the case and in the interest of justice, we deem it appropriate to allow the application.

5. Accordingly, this Civil Miscellaneous Petition is allowed and the delay of 29 days in filing the appeal is condoned.

6. Registry is directed to number the appeal, if it is otherwise in order.

[M.S., J]

[K.G.T., J]

08.08.2024

gpa



WEB COPY



C.M.P.No.13968 of 2024

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

gpa

C.M.P.No.13968 of 2024
in
Appeal(CAD) SR.No.80527 of 2024
(Filing Number)

08.08.2024