



C.M.P. No.16625 of 2024
in Appeal (CAD) SR. No.158123 of 2023

**C.M.P. No.16625 of 2024
in Appeal (CAD) SR. No.158123 of 2023**

**M.SUNDAR,J.,
and
R.SAKTHIVEL, J.,**

(Order of the Court was made by M.SUNDAR, J.)

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 28.08.2024 which reads as follows:

**'C.M.P. No.16625 of 2024
in Appeal (CAD) SR. No.158123 of 2023**

**M.SUNDAR,J.,
and
R.SAKTHIVEL, J.,**

(Order of the Court was made by M.SUNDAR, J.)

Captioned 'Civil Miscellaneous Petition' (hereinafter 'CMP' for the sake of brevity) has been filed with a prayer for 'Condonation of Delay' (hereinafter 'CoD' for the sake of brevity) qua 195 days delay in representation, however, Hon'ble Predecessor Bench has ordered notice to respondent on 07.08.2024 and a scanned reproduction of the order of the Hon'ble Predecessor Bench is as follows:



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in
APPEAL (CAD) SR. No.158123 of 2023

S.S. SUNDAR, J. ✓
and
K.RAJASEKAR, J.

[Order of the Court was made by
S.S. SUNDAR, J.]

Notice to respondent, returnable in three weeks. Private Notice is also permitted.

2. Post the matter after three weeks.

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(S.S.S.R., J.) (K.R.S., J.)
07.08.2024

mkn

2. As notice has been ordered by Hon'ble Predecessor Bench in deference to the same we shall await service of notice. Cause list says that service has not been effected on the sole respondent, however, Mr.R.Bharath Kumar, learned counsel submits that private notice has been served.

3. List the matter before Joint Registrar (Appellate Side) on Monday i.e., on 02.09.2024. Joint Registrar (Appellate Side) after being convinced that service has been duly effected on the sole respondent to make a PBC (Post Before Court) order otherwise Joint Registrar (Appellate Side) to put up a suitable note.

4. List before this Court on 09.09.2024.'



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2. Today, the sole respondent/plaintiff has been duly served and Mr.D.J.Venkatesan, learned counsel is before us for sole respondent/plaintiff.

3. The reasons for delay have been articulated in paragraphs 3 and 4 of the support affidavit. As it is delay in representation, considering the nature of the matter, facts and circumstances of the case and the trajectory the matter has taken, we find the prayer in the captioned CMP to be innocuous and the same is acceded to.

4. Captioned CMP is ordered as prayed for. There shall be no order as to costs.

(M.S.J.) (R.S.V.J.)
09.09.2024

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**M.SUNDAR,J.,
and
R.SAKTHIVEL, J.,**

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09.09.2024