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C.M.P. No. 22407 of 2023

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in

S.A. Sr. No. 102453 of 2023

P.T.ASHA, J.

The above petition is filed to condone the delay of 1023 days in filing the above Second Appeal. The petitioner would submit that the Judgement and Decree in A.S.No.59 of 2017 which is the subject matter of the present appeal was made on 17.07.2020 and copy application for the same had been made only on 22.10.2020 and the same was made ready on 03.02.2021. However, the petitioner was unable to collect the said Judgement owing to the COVID situation. Further, it is also the contention of the petitioner trust that the Hon'ble Apex Court in its suo motu Writ Petition in W.P. (Civil) No. 3 of 2020 had directed that the period commencing from 15.03.2020 to 28.02.2020 would stand excluded for the purpose of limitation and extended the limitation for further period of 90 days from 01.03.2022. Therefore, the limitation period had been excluded till 01.06.2022. If the excluded time is given credit, then the delay would not be 1023 days but would be much lesser. It is the further contention of the petitioner that they have fairly good case to argue.



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2. The appellant trust would submit that the delay is neither willful nor wanton except for the reasons given therein. The respondent had filed a counter in which they have denied the contentions of the appellant.

3. Heard the learned counsels and perused the records.

4. As rightly pointed out by the learned counsel for the petitioner, the period for limitation has been suo moto extended by the Hon'ble Supreme Court till 01.03.2022.

5. Taking note of the above circumstances, the delay is condoned. The Registry is directed to number the appeal, if otherwise in order.

12.01.2024

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