



C.M.P.No.21357 of 2023

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in
C.M.A.SR.No.86721 of 2023
(Filing Number)

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

[Order of this Court was made by M.SUNDAR,J]

Captioned 'Civil Miscellaneous Petition' [hereinafter 'CMP' for the sake of convenience and clarity] has been filed with a 'Condonation of Delay' [hereinafter 'CoD' for the sake of brevity, convenience and clarity] prayer qua 88 days delay in filing the captioned CMA SR.No.86721 of 2023 which is a Statutory Appeal under Section 19(1) of 'the Family Courts Act, 1984 (66 of 1984)' [hereinafter 'FC Act' for the sake of convenience and clarity].

2. Mr.M.Sivavarthanan, learned counsel on record for the petitioner / appellant draws our attention to a portion of paragraph No.11 of the support affidavit which reads as follows:

'11. I state that the petitioner's business suffered huge loss due to Covid-19 pandemic lock down and he was unable to arrange funds immediately for filing this appeal. Further, the petitioner's mother was admitted for her lung and heart treatment for about 15 days at Surrender Hospitals, Cuddalore during May 2023. Therefore the petitioner was unable to file the present appeal within



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the prescribed time period of 90 days. Thereafter the petitioner arranged funds and has filed the present appeal and in the interregnum there occurs delay of 88 days in filing the appeal. The said delay is neither willful nor wanton but due to the above said bona fide reasons..... '

3. Learned counsel reiterates the aforementioned reason.

4. Mr.V.S.Siva Sundaram, learned counsel on record for respondent submits that the petitioner should have been diligent.

5. We carefully considered the rival submissions. Considering the facts and circumstances of the case, nature of the matter and manner in which the petitioner is circumstanced, we find that this is a fit case to accede to COD prayer.

6. Sequitur is captioned CMP is ordered as prayed for. There shall be no order as to costs.

[M.S., J] [K.G.T., J]
15.02.2024

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