



C.M.P.No.7787 of 2024

C.M.P.No.7787 of 2024
in
Appeal (CAD) (SR) No.8386 of 2020
(Filing Number)

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 35 days in filing the above appeal directed against the judgment and decree dated 14.08.2019 in O.S.No.158 of 2016.

2. The reason for the delay has been narrated in paragraph 3 of the support affidavit, which reads as follows:

“3. I humbly submit that pursuant to the order of the Hon'ble Court, there was a delay in filing the present appeal due to difficulty faced by the Petitioner/Appellant in contacting the representing counsel and receiving the relevant documents that will aid in filing the present appeal hence the delay was not due to negligence or malafide intentions.”

3. Adverting to paragraph 3 of the support affidavit, learned counsel for the petitioner / appellant would submit that only due to the financial difficulty faced by the petitioner, the present appeal could not be filed in time and therefore, he prays for allowing the above civil miscellaneous



C.M.P.No.7787 of 2024

petition.

WEB COPY

4. On the other hand, learned counsel appearing for the respondent would submit that no sufficient cause is shown in the support affidavit for condoning the delay.

5. Heard both sides and perused the materials placed before us.

6. Considering the submissions made by learned counsel for petitioner, the number of days of delay and the manner in which parties are circumstanced, we are taking a lenient view and we deem it appropriate to allow this application. It is made clear that this will not serve as a precedent in all matters in the days to come and each case will be examined on its own merits.

7. Accordingly, this petition is allowed and the delay of 35 days in filing the appeal is condoned.

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

[M.S., J]

[K.G.T., J]

25.04.2024

gpa



WEB COPY



C.M.P.No.7787 of 2024

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

gpa

C.M.P.No.7787 of 2024
in
Appeal (CAD) (SR) No.8386 of 2020
(Filing Number)

25.04.2024