



C.M.P.No.23066 of 2023
in C.M.A (SR) No.120396 of 2023

C.M.P.No.23066 of 2023
in C.M.A (SR) No.120396 of 2023
(Filing Number)

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

(Order of the Court was made by K.GOVINDARAJAN THILAKAVADI,J.,)

The above Civil Miscellaneous Petition is filed to condone the delay of 289 days in filing the above Civil Miscellaneous Appeal against the order dated 25.04.2022 passed in I.A.No.1 of 2019 in I.D.O.P.No.266 of 2018 by the Principal District Judge, Thiruvallur.

2. In the affidavit filed in support of the petition, it has been stated that since the petitioner is in financial difficulty even to run his life, he could not prefer the above appeal in time and the delay in filing the appeal is neither willful nor wanton.

3. The respondent resisted the petition by filing a counter affidavit in which it has been stated that no valid reason has been given in the support affidavit and therefore, this petition is liable to be dismissed.



C.M.P.No.23066 of 2023
in C.M.A (SR) No.120396 of 2023

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

gpa
4. However, considering the facts and circumstances of the case,
the trajectory the matter has taken and the manner in which the petitioner
is circumstanced, we feel that this is a fit case to accede to the prayer in
the present petition.

5. Accordingly, this petition is allowed and the delay of 289 days
in filing the Civil Miscellaneous Appeal is condoned. There shall be no
order as to costs.

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

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

15.02.2024

gpa

C.M.P.No.23066 of 2023
in C.M.A (SR) No.120396 of 2023
(Filing Number)