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C.M.P.No.21838 of 2023  
in C.M.A (SR) No.121478 of 2023  
(Filing Number)

**C.M.P.No.21838 of 2023**  
**in**  
**C.M.A (SR) No.121478 of 2023**  
**(Filing Number)**

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

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

The present Civil Miscellaneous Petition has been filed with a  
Condonation of Delay prayer to condone the delay of 34 days in filing  
the present appeal against the judgment and decree dated 26.04.2023 in  
I.D.O.P.No.37 of 2022 passed by the Family Court, Villupuram.

2. Mr.J.Selvarajan, learned counsel appearing for the petitioner /  
appellant would submit that the delay is neither willful nor wanton but  
due to the bonafide reasons stated in Paragraphs 3 and 4 of the support  
affidavit, which read as follows:

*'3. I most humbly further states that after an elaborate trial*



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*the lower court was pleased to dismiss the petition on erroneous consideration without appreciating my evidence and grounds raised and passed orders on 26.04.2023. I state that in view of vacation to the family court I have made copy application for getting certified copies of the order and decreetal order on 22.05.2023 and the copy was made ready and furnished to me only on 15.06.2023.*

*4. I further state that thereafter my father had become sick and therefore I could not approach the counsel for preferring Appeal before this Hon'ble Court and however during 1<sup>st</sup> week of September 2023 after recover of health of my father I had approached the Chennai counsel in order to preferring the present Appeal and therefore, there occurs a delay of 72 days in preferring the Appeal and the said delay is neither willful nor wanton but due to the above said bonafide reasons and if the delay is not condoned I would be put to untold hardship irreparable loss and hence this petition for condone the delay of 72 days in filing the Appeal.*

3. On the other hand, Mr.K.Bommuraj, learned counsel appearing for the respondent would submit that though explanation given by the



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petitioner is not sufficient to condone the delay, he is not opposing the prayer in the present application.

4. Considering the facts and circumstances of the case and in view of the fair stand taken by the learned counsel for the respondent, this petition is allowed and the delay of 34 days is condoned.

5. Registry is directed to number the appeal, if it is otherwise in order and list the appeal as per chronological order.

**(M.S.J.)      (K.G.T.J.)**  
14.03.2024

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