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C.M.P.No.22433 of 2023

**C.M.P.No.22433 of 2023**  
**in**  
**A.S.SR.No.28838 of 2023**

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

**[Order of the Court was made by**  
**K.GOVINDARAJAN THILAKAVADI, J.,]**

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 26.02.2024 which reads as follows:

***'C.M.P. No. 22433 of 2023***  
***in A.S.SR. No.28838 of 2023***

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

***(Order of the Court was made by M.SUNDAR, J.)***

***Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 12.02.2024.***

***2. Today, Mr.P.Mani, learned counsel for petitioners/appellants is before us on video conferencing platform (to be noted, this is a hybrid hearing which is regular routine/daily feature in this Court) but there is no representation for respondents though one Mr.A.E.Kalaiselvan, learned counsel undertook to file vakalatnama for all the nine respondents. A scanned reproduction of the earlier proceedings dated 12.02.2024 is as follows:***



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in A.S.SR. No.28838 of 2023**

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

(Order of the Court was made by M.SUNDAR, J.)

A scanned reproduction of the earlier proceedings made by  
Hon'ble Predecessor Bench dated 11.12.2023 is as follows:

C.M.P.No.22433 of 2023  
in A.S.SR.No.28838 of 2023

R.SUBRAMANTIAN, J.  
and  
N.SENTHILKUMAR, J.

Notice to the respondents  
returnable by 08.01.2024. Private  
notice is also permitted.

(R.S.M., J.) (N.S., J.)  
11.12.2023

2. This proceedings has to be read in conjunction with and in  
continuation of aforementioned earlier proceedings.

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3. Captioned 'Civil Miscellaneous Petition' (hereinafter 'CMP' for the sake of brevity) has been filed with a prayer for 'Condonation of Delay' (hereinafter 'CoD' for the sake of brevity) qua 29 days delay in filing captioned first appeal being A.S. SR. No.28838 of 2023.

4. Mr.P.Mani, learned counsel on record for five petitioners is before us on the videoconferencing (VC) platform. Mr.A.E.Kalaiselvan (Enrolment No.MS.171/98 with address for service at No.40, Law Chambers, High Court Building, Chennai - 104), learned counsel who is before us in the physical Court (to be noted, this is a hybrid hearing which is a regular, routine/daily feature in this Court) submits that he has instructions to file vakalatnama on behalf of all nine respondents. To be noted, all nine respondents have been duly served and their names are shown in the cause list. Mr.A.E.Kalaiselvan, learned counsel requests for a short accommodation to get instructions and revert to this Court. Request acceded to.

5. List a fortnight hence. List on 25.02.2024.

(M.S.J.)

(K.G.T.J.)

12.02.2024

mmi

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*3. With the intention of giving opportunity to the respondents and respondents' counsel, Registry to list this matter again a fortnight hence. Registry to also verify if any counsel has entered appearance on behalf of respondents 1 to 9.*

*4. List a fortnight hence. List on 11.03.2024.'*

2. Captioned 'Civil Miscellaneous Petition' [hereinafter 'CMP' for the sake of convenience and clarity] is filed to condone the delay of 29 days in filing the above appeal suit in SR.No.28838 of 2023.

3. In the support affidavit, it is mentioned that the delay of 29 days in filing the above appeal occurred, since the case papers were misplaced by the Advocate clerk and therefore, the petitioner / appellant was unable to file the appeal in time.

4. Mr.P.Mani, learned counsel on record for petitioner / appellant would reiterate the same and also submitted that the delay is neither



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willful nor wanton and if the delay is not condoned the petitioner will be put to irreparable loss and hardship and hence, prays for allowing the CMP.

5. Despite notice, the respondents remained absent.

6. Considering the facts and circumstances of the case and the explanation given by the petitioner in the support affidavit found to be sufficient, we are inclined to condone the delay.

7. Accordingly, CMP is ordered. Delay condoned. Registry is directed to number the appeal suit, if it is otherwise in order and list the same as per chronological order. There shall be no order as to costs.

[M.S., J]

[K.G.T., J]

11.03.2024

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

*mk*

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**in**  
**A.S.SR.No.28838 of 2023**

**11.03.2024**