



C.M.P.No.29329 of 2023
in O.S.A.No.SR16589 of 2023



R.MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

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(Order of the court was made by R.MAHADEVAN, J.)

This civil miscellaneous petition has been filed by the petitioner seeking to condone the delay of 68 days in filing the above appeal.

2. The learned counsel for the petitioner submitted that the original copy of the impugned order was misplaced in the office of his counsel and the same was traced only on 06.02.2023; and thereafter, the papers were immediately presented before the registry. Therefore, the delay occasioned is neither wilful nor wanton and hence, the same may be condoned.

3. On the other hand, the learned counsel appearing for the respondent raised objection for condoning the delay in filing the appeal by filing a counter affidavit, wherein, it is *inter alia* stated as follows:

“2....

F. Whiles, citing some extraneous things the present appeal has been filed with a long delay. The reason attributed for the delay lacks imagination and clichéd. It is not even a reason much less sufficient one which can be accepted by the Hon'ble Court.”

4. However, considering the nature of the issue involved herein, the delay is condoned and this petition is accordingly ordered.

[R.M.D., J.]

[M.S.Q., J.]

02.01.2024

nsd

Note: The Registry is directed to number the appeal, if it is otherwise in order.



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