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C.M.P. No. 13889 of 2024
in
Appeal (CAD) SR No. 142614 of 2023

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in

Appeal (CAD) SR No. 142614 of 2023
(Filing Number)

M. SUNDAR,J.

AND

K. GOVINDARAJAN THILAKAVADI,J.

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

Captioned C.M.P namely, C.M.P. No. 13889 of 2024 has been filed to condone the delay of 22 days in filing the captioned appeal namely, Appeal (CAD) SR No. 142614 of 2023. The appeal has been preferred challenging the judgment and decree dated 23.06.2023 passed in C.O.S. No. 1107 of 2022 by the Commercial Court, Egmore, Chennai. Originally, the suit was presented before this Court and numbered as C.S. No. 491 of 2006 and later, it was transferred to the file City Civil Court, Chennai and renumbered as O.S. No. 1020 of 2021. After the constitution of Commercial Courts, the said suit was transferred to the file of Commercial Court, Egmore, Chennai and assigned a new number namely, C.O.S. No. 1107/2022.



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2. Mr.Balamurali, learned counsel appearing on behalf of M/s. Shivakumar and Suresh, learned counsel on record for petitioner would submit that the delay of 22 days in filing the appeal had occurred due to administrative reasons and it was neither wilful nor wanton. The said submission is reiterated in paragraph No.6 of support affidavit, which reads thus:

'6. It is further stated that though the judgment was made ready on 17.08.2023, we could not file the appeal immediately as the petitioner/appellant is very busy with tenders for some important medicines called for the procurement and distribution which are being given to the public in various hospitals and primary health centre and conducting campus. Hence, the delay of 22 days in filing the said appeal may be condoned.'

3. On the other hand, Mr.J.V. Sakthi Balakrishnan, learned counsel on record for the respondent, who is before us on the 'VC' ('VideoConferencing') platform would submit that the reasons set out in the support affidavit are neither sufficient nor good reasons to condone the delay. To be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court.

4. Heard both sides.



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5. Keeping in view the submissions made by the learned counsel for the petitioner, the facts and circumstances of the case and in the interest of justice, we deem it appropriate to condone the delay of 22 days in filing the appeal. Accordingly, the delay is condoned and the petition is ordered as prayed for.

nv

(M.S.J.) (K.G.T.J.)
18.07.2024

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



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