



C.M.P.No.29187 of 2023

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in
C.M.A.SR.No.19058 of 2023
(Filing Number)

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

[Order of the Court was made by M.SUNDAR. J]

Captioned 'Civil Miscellaneous Petition' ['CMP' for the sake of brevity] has been filed with a 'Condonation of Delay' ['COD' for the sake of brevity] prayer. COD sought is qua delay in representation of the captioned appeal and number of days (delay) is 269.

2. Mr.K.Sriman Narayanan, learned counsel on record for petitioners / appellants draws our attention to paragraph No.3 of the support affidavit which reads as follows:

'3. I further submit that the said Civil Miscellaneous Appeal was filed before this Hon'ble Court on 10.02.2023 and the same has been returned on 13.02.2023 to rectify the marked defects and for production of copy of counter affidavit filed by 2nd respondent in M.C.O.P.No.244/2020 and payment of necessary and adequate Court fee. Further the same has not been complied with, because



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the counter copy is not readily available and only after applying certified copy of the same and in view of financial distress, registered Court fee could not be paid, within stipulated time granted by the registering authority making necessary arrangement in that regard, the CMA, papers presented today 21.11.2023 thereby there occasioned delay of 269 days. The delay occasioned is neither willful nor wanton. Therefore, in the interest of justice, the delay occasioned in representation has to be condoned, if not I will suffer huge loss and greatly be prejudiced.'

3. Considering the facts and circumstances of the case and nature of the matter, we are inclined to accept the aforementioned reason and accede to the COD prayer.

4. Captioned CMP is ordered as prayed for. Delay condoned.

[M.S., J]

[K.G.T., J]

04.01.2024

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