



CMP.No.29439 of 2023

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in CMA SR No.162708 of 2023

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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

Though the delay is very long, the explanation offered by the petitioner for condonation appears to be satisfactory. A common judgment was delivered in an HMOP and a counter claim, while an appeal was filed against the dismissal of the divorce petition and was numbered as CMA No.4802 of 2019, no appeal was filed against the decree in the counter claim which was one for restitution of conjugal rights. Only when the other appeal came up for final hearing, did the appellant realize that the two appeals should have been filed. These are technical issues, knowledge of which cannot be imputed to an ordinary litigant. The counsel who had filed the appeal must have filed two Appeals. These are all things which are beyond the control of a litigant.

2. Considering the fact that the other appeal is also pending, we deem it fit to condone the delay. In view of the above, this petition is ordered and the delay of 1396 days in filing the Appeal is condoned.

R.SUBRAMANIAN, J.



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3. The Registry is directed to number the Appeal and post it for admission on 23.04.2024.

[R.S.M., J.] [R.S.V., J.]
18.04.2024

jv

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