



WEB COPY



C.M.P.No.8315 of 2025
in S.A.SR.No.112694 of 2023

C.M.P.No.8315 of 2025
in S.A.SR.No.112694 of 2023

S.SOUNTHAR,J.

This Civil Miscellaneous Petition has been filed to condone the delay of 455 days in preferring the above second appeal.

2. The learned counsel appearing for the petitioner/appellant submits that due to death of Lower Court Advocate, the petitioner could not file the second appeal in time.

3. The learned counsel appearing for the respondents 1 and 2 opposed the application vehemently on the ground that the petitioner has not given any justifiable reason for condoning the inordinate delay of 455 days in filing the second appeal.

4. It is seen from the typed-set of papers the judgment of the First Appellate Court was delivered on 07.11.2020 and copy application was made on 10.11.2020. The certified copy was made ready on 11.02.2021. However, the second appeal has been filed only on 28.08.2023.



WEB COPY



C.M.P.No.8315 of 2025
in S.A.SR.No.112694 of 2023

S.SOUNTHAR, J.

dm

5. It is seen from the affidavit filed in support of condone delay petition, the petitioner's Lower Court Counsel was affected by jaundice and liver related diseases. It was also stated that he had taken treatment as inpatient in KMCH Hospital, Coimbatore for some time and then, he was admitted in Rela Hospital, Chennai for taking treatment. Subsequently, he died on 06.08.2023.

6. Taking into consideration, the Counsel, who represented the petitioner was affected with jaundice seriously and he died, this Court is inclined to take a liberal view of the matter and condone the delay. Accordingly, C.M.P.No.8315 of 2025 is allowed.

7. The Registry is directed to number S.A.SR.No.112694 of 2023, if it is otherwise in order.

24.06.2026

dm

C.M.P.No.8315 of 2025
in S.A.SR.No.112694 of 2023

2/2