

NDN/ 672/2019(OA)

14.09.2022

Applicant Bank by Mr.Muthukrishnan, Adv.

IA/1016/2022

This IA is filed for condoning the delay of 1003 days in re-filing after rectification of the defects.

Heard on the IA. It is submitted that the delay occurred due to the fact that the files kept in the chamber No. 480-C of High court building is in joint occupation of the regular counsel and one Vijaykumar. The said Vijaykumar without the knowledge of the deponent had taken away the returned files to be rectified to his residence. Despite thorough search, the same could not be retrieved. Thereafter the pandemic ensued. There was a general order by the Hon'ble SC condoning the delay during this period. Further it is submitted that the case bundles were procured after visiting the residence of Vijaykumar after the pandemic. Hence the delay.

Having perused the affidavit of P. Anand, who is the assisting counsel of the counsel on record, and further considering that the interest of the bank shall not suffer for the mistake on the part of the counsel, the IA for condoning the delay is allowed subject to the applicant bank losing the claim for lis pendens interest till the date of registration of the OA.

Registry to number the OA if found correct in other aspects.