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C.M.P. No.14949 of 2021
in S.A. Sr. No.78894 of 2020

S.S.SUNDAR, J.,

Heard Mr. T.M.Hariharan, learned counsel appearing for the petitioner and Mr. M.R.Thangavel, learned counsel appearing for the first respondent.

2. This petition is filed to condone the delay of 247 days in filing the Second Appeal.

3. In the affidavit filed in support of the petition, it is stated that the defendant fell ill during July 2019 with irritable bowel syndrome. It is further stated that the petitioner underwent treatment at Ramachandra Multi Speciality Hospital at Vellore and that he was advised to take complete rest and not to travel and climb stairs. The petitioner has also produced the medical certificate dated 18.08.2021. It is stated that the petitioner was the one who was looking after the case. It is further stated that since the petitioner's health condition improved, he came to Chennai during the second week of November 2020.



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4. In view of the bonafide reasons stated in the affidavit filed in support of the petition, this Court is of the view that the delay of 247 days in filing the above appeal is neither wilful nor wanton. Since the petitioner has given proper reasons to the satisfaction of this Court, this Court is inclined to allow this petition. Accordingly, this petition is ordered.

5. Registry is directed to number the above appeal if it is otherwise, in order and print the name of Mr. Thangavel, as the learned counsel appearing for the first respondent, when the appeal is moved for admission. Learned counsel for the petitioner is directed to serve papers on the learned counsel for the first respondent.

24.02.2022

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