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C.M.P. No. 9722 of 2023
in A.S.SR.No. 15935 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 63 days in filing the above appeal.

2. Mr.V.Anandhamoorthy, learned counsel for appellants submitted that they are third parties to the suit, but they are the original owners of the suit property and behind their back, the plaintiff on colluding with the defendants filed a suit and obtained a decree. Now only, they came to know about the same and they have filed a petition to grant leave to file appeal, which was allowed by this court. However, there is a delay of 63 days in filing the above appeal arose and the delay is neither willful nor negligent. Therefore, he filed this petition to condone the delay in filing the above appeal.

3. The learned counsel for 1st respondent appeared and submitted that he has no objection in allowing this petition.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one. Accordingly, this court is inclined to allow this petition. Registry is directed to number the Appeal immediately if it is otherwise found to be in order and post the matter on 05.06.2023.

28.04.2023

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