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C.M.P.No. 5689 of 2023
in
A.S. SR. No. 26528 of 2023

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 246 days in filing the above appeal.

2. Challenging the alternative remedy granted by the trial court in favour of plaintiff, the defendants have preferred this appeal. The contention of appellants is that they have received a sum of Rs.4 lakhs, but the trial court has ordered to refund a sum of Rs.10 lakhs as if he received as advance. Hence, he is having valid defence. But, there is a delay in preferring the above appeal, since because the certified copy was not able to get in time due to lack of communication between the clerk and the office.

3. Considering the facts and circumstances, and on considering the reasons stated by the petitioner in the affidavit is justifiable one. Accordingly, this court is inclined to allow this petition.

4. Registry is directed to number the appeal if it is otherwise found to be in order and post the matter on 08.06.2023.

17.04.2023

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