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C.M.P. No. 8732 of 2023
in A.S.SR.No. 49243 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 55 days in filing the above appeal against the judgment and decree dated 25.07.2022 passed in O.S.No.180 of 2017, on the file of learned Addl. District Judge, Namakkal.

2. Mr.R.Nalliyappan, learned counsel for appellant submitted that as there was a proposal for settlement between the parties, the petitioner has not preferred the appeal after receipt of certified copy of judgment and decree. He would further submit that though several sittings for compromise progressed, no settlement arrived between the parties. Thereafter, the petitioner preferred the present appeal and there is a delay of 55 days in filing the above appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above appeal.

3. 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 if it is otherwise found to be in order and post the matter on 15.06.2023.

20.04.2023

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