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C.M.P. No. 10337 of 2023
in A.S.SR.No.57153 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 39 days in filing the above appeal.

2. Mr.M.Sathish Kumar, learned counsel for appellant submitted that the appellant herein is the defendant in the suit filed by the plaintiff for the relief of partition, which was decreed on 31.10.2022. While being so, after the decree passed in the suit, he is not able to get the papers immediately from his previous counsel and he preferred third party application for the copies relating to the suit, which was received on 07.01.2023. Furthermore, after receipt of papers, due to her old-age and financial crunch, he is not in a position to contact her counsel at Chennai. Hence, the appeal was not filed in time. However, there is a delay of 39 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.



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3. Considering the facts and circumstances and also the fact that the appellant is aged about 67 years and she being a widow lady, 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 13.06.2023.

01.06.2023

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