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C.M.P. No. 11054 of 2023
in A.S.SR.No.53364 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 28 days in filing the above appeal.

2. Mr.A.Arunbabu, learned counsel for appellant submitted that the appellant herein is the defendant in the suit filed by the plaintiff for the relief of recovery of money, which was decreed in favour of plaintiff. While being so, after the decree passed in the suit, he suffered with jaundice and hence, he could not move long distance and he is also not able to give instructions to his counsel. Hence, the appeal was not filed in time. He would submit that the appellant is having valid defence and he is not liable to pay any amount. However, there is a delay of 28 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 the reasons stated by the petitioner in the affidavit is justifiable one, 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 19.06.2023.

01.06.2023

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