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C.M.P.No.12548 of 2023
in A.S.SR.No. 71497 of 2022

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T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in O.S.No.153 of 2018, the petitioner preferred an appeal, however there is a delay of 166 days in representing the above appeal arose. Hence, the present petition has been filed to condone the delay in representing the appeal.

2. Mr.P.K.Murali, learned counsel for petitioner submitted that the above appeal was filed on 08.07.2022 and the same was returned on 15.07.2022 and again on 30.09.2022 to rectify some defects. He would submit that as the petitioner was hospitalised for treatment of kidney, he could not contact his counsel and instruct him to represent the appeal, which was subsequently represented on 20.03.2023. However, there is a delay of 166 days arose in representing the above appeal and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.



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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 above Appeal if it is otherwise found to be in order and post the matter on 18.07.2023.

26.06.2023

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