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C.M.P. Nos.19884 & 19888 of 2021
in A.S.SR.Nos. 58882 & 58884 of 2007

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T.V. THAMILSELVI, J.

These Civil Miscellaneous Petitions have been filed seeking to condone the delay of 284 days in filing the above appeals against the judgments and decree dated 28.02.2006 made in O.S.Nos.66 & 26 of 2004, on the file of learned District Judge, Nagapattinam.

2.Mr.T.Chandrasekaran, learned Special Government Pleader appearing for appellant would submit that the certified copies of judgment and decree were made ready on 04.08.2006 and after getting approval from the department officials in relation to the trust, which caused considerable delay in taking a final decision with regard to filing of present appeals. Thereafter, the present appeals were filed. However, there is a delay of 284 days and the delay is neither willful nor negligent. Hence, the petitioner/appellant filed this petition to condone the delay in filing the above appeal.



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3. Mr.A.Muthukumar, learned counsel for 2nd respondent appeared and raised objection stating that the delay was not properly explained. Hence, he prayed to dismiss these petitions.

4. In the year of 2007, the appeals were filed arising out of a common judgment and decree in O.S.Nos.66 and 26 of 2004 on the file of District Judge, Nagapattinam. Since the decree was passed in the year of 2006, so far it has not reached finality. Therefore, considering the pendency of suit proceedings, this court is inclined to allow these petitions in order to reach finality in the proceedings. Accordingly, these petitions are allowed. Registry is directed to number the Appeals if it is otherwise found to be in order and post the matter on 05.06.2023.

21.04.2023

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