



C.M.P. No. 17669 of 2024
in S.A.SR.No.8803 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 232 days in filing the above Second Appeal against the judgment and decree dated 28.02.2023 passed in A.S.No.4 of 2022, on the file of Sub-Court at Palacode confirming the judgment and decree passed in O.S.No.193 of 2014 dated 27.10.2021 on the file of District Munsif Court, Palacode.

2. Mr.V.Sakkarapani, learned counsel for petitioner submitted that the petitioner is not able to mobilise the court fees and expenses immediately to prefer the appeal and after arranging the same as well as after arranging required documents, he contacted the present counsel during the 3rd week of January 2023 for filing the Second Appeal. Hence, he was not able to file the same within time and the second appeal was filed on 26.06.2024. Hence, there is a delay of 232 days in filing the above second appeal arose, which is neither willful nor wanton. Therefore, he filed this petition to condone the delay in filing the above second appeal.



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3. Mr.R.Selvakumar, learned counsel for 1st respondent appeared and raised formal objections to allow this petition.

4. 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 on condition that the petitioner shall pay a cost of Rs.2000/- payable to the learned counsel for 1st respondent within a period of one week from the date of receipt of copy of this order. On such payment of cost, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 18.09.2024.

04.09.2024

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