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C.M.P. No. 10941 of 2024
in S.A.SR.No.9328 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 43 days in filing the above Second Appeal against the judgment and decree dated 31.10.2022 passed in A.S.No.86 of 2010, on the file of Principal Sub-Court at Salem reversing the judgment and decree passed in O.S.No.1159 of 2012 dated 17.07.2010 on the file of Addl. District Munsif Court, Salem.

2. Mr.D.Shivakumaran, learned counsel for appellant submitted that as there is a compromise proposal received through mediators from the 1st respondent, subsequently she withdrawn that proposal. Hence, there is a delay of 63 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.

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 Second Appeal if it is otherwise found to be in order and post the matter on 01.07.2024.

07.06.2024

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