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C.M.P. No. 12985 of 2024
in S.A.SR.No.11004 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 742 days in filing the above Second Appeal against the judgment and decree dated 25.01.2022 passed in A.S.No.61 of 2021, on the file of Principal District Judge, Tirupur confirming the judgment and decree passed in O.S.No.135 of 2013 dated 29.03.2016 on the file of Subordinate Judge of Udumalpet.

2. Mr.Ilamvaluthi, learned counsel for petitioner submitted that due to illness and due to lack of communication, immediately after getting certified copy of judgment and decree, he was not able to come to Chennai and engage a counsel for filing the Second Appeal. Only during the second week of February 2023, he handed over papers to present counsel and after making it ready the appeal papers, the second appeal was filed on 29.01.2024. Hence, there is a delay of 742 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. N.Umapathi, learned counsel for respondents 1 to 4 appeared and raised formal objections in allowing this petition.

4. Considering the facts and circumstances, and to avoid multiplicity of proceedings as well as to give one more opportunity and also considering the reasons stated by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.5000/- payable to the learned counsel for respondents 1 to 4 within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 25.09.2024.

13.09.2024

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