



WEB COPY



C.M.P. No. 13725 of 2023
in S.A.SR.No.12750 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 20 days in filing the above Second Appeal against the judgment and decree dated 17.08.2022 passed in A.S.No.33 of 2015, on the file of Sub-Court at Arni confirming the judgment and decree passed in O.S.No.517 of 2004 dated 30.04.2015 on the file of District Munsif Court, Arni.

2. Mr.P.Palayandy, learned counsel for appellant submitted that as the petitioner met with an accident on 08.09.2022, the appellant was not able to contact his counsel and only during the last week of January 2023, he gave instructions to file the Second Appeal. However, there is a delay of 20 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, 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 22.08.2024 along with connected S.A.No. 471 of 2024.

13.08.2024

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