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C.M.P. No. 4314 of 2024
in
S.A.Sr.No. 13063 of 2024

P.T.ASHA, J.

The above petition is filed to condone the delay of 43 days in filing the above Second Appeal.

2. The only reason given is that due to certain business pre-occupation, the appellants were not able to get in touch with their counsel.

3. The respondent has filed a counter inter alia contending that delay has not only crept in this Second Appeal but even at the stage of First Appeal there was a delay of 1450 days. The conduct of the appellants appear to be a ploy to prolong the proceedings.



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4. The learned counsel for the respondent would submit that although they have obtained a decree as early as on 03.07.2017, they are yet to see the colour of the coin. Further, the present appeal has been filed only after the execution proceedings has been initiated.

5. Heard the learned counsels and perused the records.

6. A perusal of the affidavit filed in support of the condone delay petition would indicate that the copy application has been filed by the appellants in time and certified copies have also been taken delivery of without any delay. The delay has crept in only for filing the Second Appeal and this is on account of the petitioner's business pre-occupation as a result they were not able to contact their counsel to have the appeal filed.

7. The reasons given for condoning the delay appear to be



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genuine and considering the fact that it is only a delay of 43 days,
the delay is condoned.

8. The Registry is directed to number the appeal, if otherwise
in order. The Registry is also directed to print the name of Mrs.
C.Uma at the time of admission.

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