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C.M.P.No.25825 of 2024 in
S.A.SR.No. 15429 of 2019

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in
S.A. SR.No. 15429 of 2019
T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 14 days in filing the above Second Appeal against the judgment and decree dated 25.06.2018 passed in A.S.No.37 of 2012, on the file of VII Addl. Judge, City Civil Court, Chennai confirming the judgment and decree passed in I.A.No.7777 of 2004 in O.S.No.5427 of 1995 dated 30.04.2009 on the file of I Asst. Judge, City Civil Court, Chennai.

2. Mr.JRK. Bhavanantham, learned counsel for appellant submitted that the certified copies of judgment and decree passed in A.S.No. 37 of 2012 was received on 28.12.2018. Since the last day fell during Christmas holiday, the Second Appeal ought to have been presented on the reopening day, however, the clerk of the counsel calculated the last day for presenting the same excluding Christmas holidays and wrongly suggested that it can be presented after Pongal holidays. So, it could not filed within a stipulated time. Hence, there is a delay of 14 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. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be 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 04.12.2024.

21.11.2024

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