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C.M.P.No.10195 of 2024
in
S.A. SR.No. 18560 of 2024

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.43 of 2016, the petitioner preferred the above Second Appeal, however there is a delay of 625 days in filing the above second appeal arose. Hence, the present petition has been filed to condone the delay in preferring the second appeal.

2. Mr.M.Santhanaraman, learned counsel for petitioner submitted that as the deceased husband of 1st petitioner following up the case pertaining to the subject property with his counsel, the petitioners are not aware of case details, however, he died on 24.02.2023. Thereafter, they came to know about the decree, while the respondent attempted to execute the decree. Therefore, due to lack of communication, they are not able to file the above Second Appeal within a stipulated time and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.

3. Mr.C.Munusamy, learned counsel for respondent appeared and raised objections in allowing this petition.



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4. On perusal of records, it reveals that the 1st defendant in the suit is the appellant herein and challenging the reversal finding of courts below, his legal heirs have preferred this Second Appeal. On considering the objections raised by learned counsel for respondent and also in order to give one more opportunity and on 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.2000/- payable to the learned counsel respondent within a period of one week from today and on such deposit, Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 24.06.2024.

04.06.2024

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