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C.M.P. No. 16814 of 2024
in S.A.SR.No.128148 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 140 days in filing the above Second Appeal against the judgment and decree dated 27.02.2023 passed in A.S.No.27 of 2022, on the file of III Addl. District Court at Gobichettipalayam confirming the judgment and decree passed in O.S.No.125 of 2014 dated 18.02.2021 on the file of Subordinate Court, Gobichettipalayam.

2. Mr.M.Roshan Atiq, learned counsel for appellant submitted that due to illness, the petitioner could not instruct his counsel at Chennai to file the Second Appeal and only during the first week of February 2024, he gave instructions to file the Second Appeal. However, there is a delay of 140 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. Accordingly, 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 14.08.2024.

08.08.2024

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