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C.M.P. No. 11468 of 2024
in S.A.SR.No.101987 of 2017

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 37 days in filing the above Second Appeal against the judgment and decree dated 27.07.2017 passed in A.S.No.64 of 2016, on the file of II Addl. District Court, Erode partly modifying the judgment and decree passed in O.S.No.382 of 2009 dated 26.02.2016 on the file of Sub-Court, Perundurai.

2. Mr.G.Pavendhan, learned counsel for appellant submitted that as the certified copy of judgment and decree passed in A.S.No. 64 of 2015 was made ready on 25.09.2017 and the same was received on 26.09.2017, however, due to illness, the appellant was not able to contact his counsel. Hence, there is a delay of 37 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 21.06.2024.

10.06.2024

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