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C.M.P. No. 15146 of 2024
in S.A.SR.No.25574 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 632 days in filing the above Second Appeal against the judgment and decree dated 10.12.2021 passed in A.S.No.35 of 2019, on the file of Sub-Court at Thiruvarur confirming the judgment and decree passed in O.S.No.14 of 2010 dated 30.11.2016 on the file of District Munsif cum Judicial Magistrate Court, Nannilam.

2. Mr.A.Arun Babu, learned counsel for petitioner submitted that the judgment in first appeal was pronounced on 10.12.2021, at that time, entire nation was in standstill due to covid-19 pandemic and the petitioner also could not get the documents in time from the trial court and immediately after getting papers from the petitioner's lower court counsel, he was not able to come to Chennai and engage a counsel for filing the Second Appeal. Only during the last week of February 2024, he handed over papers to counsel on record and after making it ready the appeal papers, the second appeal was filed on 28.02.2024. Hence, there is a delay of 632 days in filing the above second appeal arose, which is neither willful nor wanton.



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Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. Despite notice served on the respondent, there is no representation on the side of respondent.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that when the first appeal was dismissed on 10.12.2021, entire nation was in standstill due to covid-19 pandemic and hence, the appeal was not filed in time and to give one more opportunity, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.3000/- payable to the learned counsel for respondent within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 26.11.2024.

11.11.2024

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