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C.M.P. No. 17949 of 2016
in S.A.SR.No.77039 of 2016

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 65 days in filing the above Second Appeal against the judgment and decree dated 04.04.2016 passed in A.S.No.32 of 2013, on the file of Sub-Court at Udhagamandalam confirming the judgment and decree passed in O.S.No.158 of 2010 dated 29.01.2013 on the file of District Munsif Court, Udhagamandalam.

2. Mr.A. Ram Kumar, learned counsel for petitioner submitted that immediately after getting papers from the petitioner's lower court counsel at Udhagamandalam, he was not able to come to Chennai and engage a counsel for filing the Second Appeal. Only during the first week of July 2016, he handed over papers to junior counsel, but after making it ready the appeal papers, by oversight he was not able to file the same within time and the second appeal was filed on 17.10.2016. Hence, there is a delay of 65 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 is justifiable one. Accordingly, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.2000/- payable to the Tamil Nadu State Legal Services Authority, Chennai within a period of one week from today. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 28.06.2024.

20.06.2024

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