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C.M.P. No. 10923 of 2024
in S.A.SR.No.132468 of 2022

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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 07.09.2020 passed in A.S.No.10 of 2019, on the file of Principal Sub-Judge at Puducherry confirming the judgment and decree passed in O.S.No.366 of 2006 dated 06.04.2018 on the file of I Addl. District Munsif at Pondicherry.

2. Mr.R.Sreedhar, learned counsel for petitioner submitted that the power of attorney executed by Niveditha in favour of Seema Devi was not available with the petitioner and the original document was also misplaced. He would submit that since the petitioner is aged about 75 years, he could not find the original documents and his daughter is residing at Delhi and only after arrival of his daughter from Delhi, she found the document. Hence, he was not able to file the second appeal within time. However, there is a delay of 170 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.1000/- 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 01.07.2024.

21.06.2024

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