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C.M.P. No. 9665 of 2024
in S.A.SR.No.30512 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 28 days in filing the above Second Appeal against the judgment and decree dated 20.09.2023 passed in A.S.No.13 of 2020, on the file of Subordinate Court at Tiruttani by reversing the judgment and decree passed in O.S.No.12 of 2012 dated 30.09.2020 on the file of District Munsif Court, Tiruttani.

2. Mr.L.Ramu, learned counsel for appellant submitted that after the judgment and decree passed in the first appeal, the appellant handed over the bundle to another counsel during the month of January 2024 and thereafter, due to his illness, he failed to file the case within a stipulated time. Hence, there is a delay of 28 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 13.06.2024.

03.06.2024

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