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C.M.P. No. 9959 of 2024
in S.A.SR.No.30529 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 29 days in filing the above Second Appeal against the judgment and decree dated 22.09.2023 passed in A.S.No.43 of 2023, on the file of Subordinate Judge, Ambattur confirming the judgment and decree passed in O.S.No.93 of 2005 dated 01.02.2019 on the file of District Munsif Court, Ambattur.

2. Mr.R.T.Vijayaraghavan, learned counsel for appellant submitted that due to heavy work, the appellant was not able to discuss with its counsel about next course of action and only during second week of January 2024, he approached him and advised to apply certified copy of judgment and decree passed in the suit. Thereafter, on receipt of certified copy of judgment and decree, the petitioner preferred the present second appeal, however there is a delay of 29 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 11.06.2024.

03.06.2024

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