



C.M.P.No. 11669 of 2024
in
S.A. SR.No. 152402 of 2019

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.107 of 2017, the petitioner preferred the above Second Appeal, however there is a delay of 845 days in representing the above second appeal arose. Hence, the present petition has been filed to condone the delay in representing the second appeal.

2. Mr.K.Thenrajan, learned counsel for petitioners submitted that the above Second Appeal was returned for rectifying certain defects on 12.03.2020, however, advocate clerk failed to inform about return of papers and also due to covid-19 pandemic time, the bundle was mixed up with other bundles, which could not be traced out immediately. Thereafter, after due search, it was traced. Hence, there is a delay of 845 days arose in representing the above second appeal and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petition.



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3. Considering the facts and circumstances and on considering the reasons stated by the petitioners in the affidavit that the bundle was mixed up with other case bundles, to give one more opportunity to the petitioners, this court is inclined to allow this petition on condition that the petitioners 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 and on such deposit, Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 25.06.2024.

10.06.2024

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