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C.M.P. No. 10051 of 2024
in S.A.SR.No.33383 of 2024

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 54 days in filing the above Second Appeal against the judgment and decree dated 29.09.2023 passed in A.S.No.50 of 2022, on the file of Sub-Court at Thiruvottiyur confirming the judgment and decree passed in O.S.No.221 of 2015 dated 06.09.2018 on the file of District Munsif Court, Thiruvottiyur.

2. Mr.R.Karunakaran, learned counsel for appellants submitted that the appellants was under the impression the earlier counsel filed the second appeal, but it was not filed and now, they have engaged the present counsel for filing the Second Appeal and gave instructions to file the Second Appeal. However, there is a delay of 54 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 petitioners 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 also directed to print the name of Special Government Pleader for H.R. & C.E. Department.

4. Post the matter on 04.07.2024.

26.06.2024

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S.A.SR.. No. 33383 of 2024

26.06.2024