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C.M.P. No. 7119 of 2024
in S.A.SR.No.788 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 84 days in filing the above Second Appeal against the judgment and decree dated 03.07.2023 passed in A.S.No.31 of 2018, on the file of I Addl. District and Session Court at Tiruppur partly modifying the judgment and decree passed in O.S.No.201 of 2011 dated 30.01.2018 on the file of Principal Sub-Court, Tiruppur.

2. Mr.N.Manoharan, learned counsel for appellant submitted that as the certified copies of judgment and decree passed by the courts below was not available, the same was obtained and thereafter, due to illness as well as due to lack of communication, the appellant was not able to contact his counsel and only during the last week of December 2023, he gave instructions to file the Second Appeal. However, there is a delay of 84 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. Mr. Singaravelu Balaraman, learned counsel for respondents appeared and raised strong objections in allowing this petition stating that there is no sufficient cause given for the said delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one and to give one more opportunity, 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 Mr.Singaravelu Balaraman in the cause list and post the matter on 20.11.2024.

08.11.2024

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