



CMP.No.20117 of 2024
in S.A.SR.No.37647 of 2024

CMP.No.7398 of 2024
in
S.A.SR.No.37647 of 2024

T.V.THAMILSELVI, J.

This Petition has been filed to condone the delay of 537 days in filling the above S.A.SR.No.37647 of 2024.

2. Heard the learned counsel for the appellant and learned counsel for the respondent and perused the material available in the record.

3. The learned counsel for the appellant submitted that the previous counsel, who handled the case, did not file the Second Appeal within the stipulated time. Later, upon realizing the delay, he filed a petition to condone the delay.

4. The learned counsel for the respondent raised objections, stating that the reason provided by the petitioner was false. He pointed out that the petitioner's own affidavit showed that the counsel who appeared for the



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appellant before the lower appellate court, Mr. Dhilipan, had applied for a certified copy on 21.12.2003. Following this, the appeal was filed. Therefore, there was no change of counsel, nor was the certified copy applied for by new counsel. Hence, he raised strong objections.

5. In response, the learned counsel for the petitioner submitted that another counsel had verified the records and obtained certified copies, based on instructions received from the previous counsel.

6. Upon review, it is evident that the delay was caused by a lack of communication from the counsel. While the objections raised by the respondent were considered, this Court has also taken into account the reply provided by the petitioner.

7. On being satisfied with the averments stated in the affidavit filed in support of the petition and to avoid multiplicity of proceedings, this Court is inclined to condone the delay, with costs. The petitioner is directed to pay a



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sum of Rs.5,000/-(Rupees five thousand only) to the contesting respondent, within a period of one week from today and on such payment the delay of 537 days in filling the above S.A.SR.No.37647 of 2024 is condoned.

8. Accordingly, this Civil Miscellaneous petition is allowed.

9. Registry is directed to list the above Second Appeal after numbering the same, if they are otherwise in order, on 01.10.2024.

23.09.2024

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