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C.M.P. No. 9175 of 2024
in
S.A.SR.No.41710 of 2024

T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 101 days in filing the above Second Appeal against the judgment and decree dated 25.08.2023 passed in A.S.No.84 of 2017, on the file of I Addl. District and Sessions Judge, Tiruppur confirming the judgment and decree passed in O.S.No.232 of 2005 dated 22.06.2017 on the file of Principal Subordinate Judge, Tiruppur.

2. Mr.V.Jaisankar, learned counsel for appellant submitted that due to the delay in production of Will and other documents for preparation of sale deed by the respondent, there is a delay of 101 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. Mr.S.Ramesh, learned counsel for respondents 1 to 4 appeared and raised his objections in allowing this petition.

https://www.mhc.tn.gov.in/judis4. Considering the facts and circumstances, and on considering the

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objections raised by learned counsel for respondents 1 to 4 and the reasons stated by the petitioner in the affidavit seems to be justifiable one, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.1000/- payable to the learned counsel for respondents 1 to 4 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 02.07.2024.

19.06.2024

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