



C.M.P.No. 10478 of 2024
in
S.A. SR.No. 145294 of 2022

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.10 of 2019, the petitioner preferred the above Second Appeal, however there is a delay of 449 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.P.Navaneetha Krishnan, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on 27.12.2022. He would submit that he informed the petitioner to send copy of plaint, written statement as well as exhibits, but due to a medical treatment taken by the lower court counsel, he is not able to collect those documents and thereafter, on receipt of those documents, the present Second Appeal was represented. However, there is a delay of 449 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 petitioner 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 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 19.06.2024.

05.06.2024

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