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C.M.P. No. 21387 of 2024
in S.A.SR.No.42469 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 667 days in filing the above Second Appeal against the judgment and decree dated 31.03.2021 passed in A.S.No.44 of 2016, on the file of Addl. District Court (Fast Track Court), Villupuram reversing the judgment and decree passed in O.S.No.36 of 2013 dated 31.03.2016 on the file of Subordinate Court, Gingee.

2. Mr.M.Santhanaraman, learned counsel for petitioners submitted that as the husband of 1st petitioner was died on 24.02.2023 and he only following the case pertaining to the subject property, the petitioners are not aware of any details about the same and only on coming to know that the respondent is taking steps to execute the decree, they are aware about the details of impugned judgment. Thereafter, during the third week of March 2024, they have handed over papers to counsel on record and the second appeal was filed on 23.03.2024. Hence, there is a delay of 667 days in filing the above second appeal arose, which is neither willful nor wanton.



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Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. Mr.Balasubramanian Ravi Iyer, learned counsel for 1st respondent and Mr. R.Siddharth, learned Government Advocate for respondents 2 to 5 appeared and raised strong objections in allowing this petition stating that no sufficient cause was assigned for the delay.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that due to unaware of the impugned judgment, they are not able to file this appeal within a stipulated time and to give one more opportunity, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.2000/- payable to the learned counsel for 1st respondent within a period of one week from the date of receipt of copy of this order. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 06.12.2024.

21.11.2024

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N.B. : Issue order copy on 22.11.2024



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