



WEB COPY



C.M.P. No. 7882 of 2024
in S.A.SR.No.43605 of 2024

C.M.P. No. 7882 of 2024
in
S.A.SR.No.43605 of 2024

T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 668 days in filing the above Second Appeal against the judgment and decree dated 26.11.2020 passed in A.S.No.5 of 2019, on the file of II Addl. Sub-Court at Erode confirming the judgment and decree passed in O.S.No.4 of 2009 dated 10.08.2016 on the file of I Addl. District Munsif Court, Erode.

2. Mr.K.Govi Ganesan, learned counsel for petitioners submitted that the trial court counsel has not informed the disposal of the case, due to which, the above second appeal was not filed within a stipulated time. Hence, there is a delay of 668 days in filing the above second appeal arose, which is neither willful nor wanton. He would submit that they are having valid defence to contest the case. Therefore, he filed this petition to condone the delay in filing the above second appeal.

3. Mr.A.M.Amutha Ganesh, learned counsel for respondents appeared and submitted that only under the guise of dragging on the proceedings, they have belatedly filed this petition without any valid reason.



C.M.P. No. 7882 of 2024
in S.A.SR.No.43605 of 2024

Hence, he raised strong objections in allowing this petition.

WEB COPY

4. Considering the facts and circumstances, and the reasons stated by the petitioners in the affidavit is justifiable one and to give one more opportunity, this court is inclined to allow this petition on condition that the petitioners shall pay a cost of Rs.4000/- payable to the learned counsel for respondents on or before 24.07.2024, failing which this petition will be dismissed. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 25.07.2024.

27.06.2024

rpp



WEB COPY



C.M.P. No. 7882 of 2024
in S.A.SR.No.43605 of 2024

T.V.THAMILSELVI, J.

rpp

C.M.P.No. 7882 of 2024
in
S.A.SR.. No. 43605 of 2024

27.06.2024