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C.M.P.No. 11519 of 2024
in
S.A. SR.No. 30909 of 2023

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.11 of 2019, the petitioner preferred the above Second Appeal, however there is a delay of 369 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.T.Meganathan, learned counsel for petitioner submitted that the above Second Appeal was returned for some clarification and for want of necessary document on 13.03.2023 and thereafter, after obtaining the required documents, the petitioner approached him only in the month of July 2023 and subsequently, due to illness, the above Second Appeal could not be filed within a stipulated time. Hence, there is a delay of 369 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 in the affidavit that the bundle was misplaced, to give one more opportunity to the petitioner, 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 24.06.2024.

07.06.2024

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