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C.M.P. No. 8852 of 2023
in S.A.SR.No.166 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 60 days in filing the above Second Appeal against the judgment and decree dated 21.07.2022 passed in A.S.No.02 of 2021, on the file of Addl. District Judge, Hosur, modifying the judgment and decree passed in O.S.No.32 of 2015 dated 04.12.2020 on the file of Principal Subordinate Judge, Hosur.

2. Mr.R.Bharath Kumar, learned counsel for appellant submitted that as the certified copies of judgment and decree passed in A.S.No. 02 of 2021 was not available, the same was obtained and thereafter, due to illness, the appellant was not able to contact his counsel and only during the first week of December 2022, he gave instructions to file the Second Appeal. However, there is a delay of 60 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. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one and to give one more opportunity, this court is inclined to allow this petition. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 30.09.2024.

20.09.2024

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