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C.M.P. No. 11036 of 2024
in S.A.SR.No.114329 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 255 days in filing the above Second Appeal against the judgment and decree dated 08.08.2022 passed in A.S.No.6 of 2021, on the file of Sub-Court at Dharapuram confirming the judgment and decree passed in O.S.No.517 of 2007 dated 26.07.2021 on the file of District Munsif Court, Dharapuram.

2. Mr.J.Prithivi, learned counsel for petitioner submitted that as the petitioner was not having certified copy of judgment and decree passed by the trial court, he filed fresh copy application and after obtaining the same, only during the last week of August 2023, he handed over papers to his counsel. Thereafter, after making it ready the appeal papers, the second appeal was filed on 28.08.2023. Hence, there is a delay of 255 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.



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3.Mr.N.Ponraj, learned counsel for respondent appeared and raised formal objections in allowing this petition.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one and in order 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 respondent on or before 22.08.2024. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 22.08.2024.

08.08.2024

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