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C.M.P. No. 9766 of 2024
in S.A.SR.No.30766 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 10 days in filing the above Second Appeal against the judgment and decree dated 10.11.2023 passed in A.S.No.1 of 2022, on the file of Principal Subordinate Court, Krishnagiri reversing the judgment and decree passed in O.S.No.205 of 2008 dated 25.06.2019 on the file of District Munsif Court, Hosur.

2. Mr.P.M.Jayachandran, learned counsel for appellant submitted that after the dismissal of first appeal, the appellant unable to contact his counsel for filing second appeal within a stipulated time. Hence, there is a delay of 10 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 is justifiable one. Accordingly, 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 11.06.2024.

03.06.2024

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