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C.M.P.No. 9990 of 2024
in
S.A. SR.No. 163795 of 2023

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.94 of 2018, the petitioner preferred the above Second Appeal, however there is a delay of 100 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.Sam Jayaraj Houston, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects, however, the bundle was misplaced with other bundles and it could not be traced immediately. Thereafter, after due search, it was traced out, however, there is a delay of 100 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.

3. Ms. V.Ambika, learned counsel for 1st respondent appeared and raised objections in allowing this petition.



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4. Considering the facts and circumstances and on considering the objections raised by the learned counsel for 1st respondent and also considering the reasons stated by the petitioner in the affidavit seems to be justifiable one, 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 1st respondent on or before 07.06.2024. Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 07.06.2024 for filing counter finally.

03.06.2024

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