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C.M.P. No. 11792 of 2024
in S.A.SR.No.166243 of 2023

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 49 days in filing the above Second Appeal against the judgment and decree dated 31.07.2023 passed in A.S.No.13 of 2018, on the file of III Addl. District Court, Gobichettipalayam confirming the judgment and decree passed in O.S.No.182 of 2010 dated 27.04.2016 on the file of Sub-Court, Sathyamangalam.

2. Mr.K.Sasindran, learned counsel for petitioner submitted that due to the delay in obtaining documents, the Second Appeal was not filed within a stipulated time. However, there is a delay of 49 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. Mr.M.Rosanatio, learned counsel for respondents 1 to 4 appeared and raised formal objections to allow this petition.

4. 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 02.07.2024.

21.06.2024

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