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C.M.P. No. 19549 of 2024
in S.A.SR.No.116275 of 2019

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T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.25 of 2014, the petitioner preferred the above Second Appeal, however there is a delay of 1707 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.G.K.Sekar, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on 13.09.2019 and the represented and bundle was returned by the registry on 27.12.2019. However, on 30.01.2020, the 2nd appellant died and he wanted to amend the cause title by filing a petition, but the other appellants are aged about more than 70 years and they are senior citizens and they are suffering from age-old ailments, there is lack of communication and hence, they are not able to file the said petition within a stipulated period. Hence, there is a delay of 1707 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.



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3. Considering the facts and circumstances and on considering the reasons stated by the petitioners in the affidavit that the bundle was misplaced, to give one more opportunity to the petitioners, this court is inclined to allow this petition on condition that the petitioners shall pay a cost of Rs.3000/- payable to the Tamil Nadu State Legal Services Authority, Chennai within a period of one week from the date of receipt of copy of this order and on such deposit, Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 23.09.2024.

09.09.2024

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