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C.M.P. No. 14193 of 2024  
in S.A.SR.No.42220 of 2024

**C.M.P. No. 14193 of 2024**  
**in**  
**S.A.SR.No.42220 of 2024**  
**T.V. THAMILSELVI, J.**

This petition has been filed seeking to condone the delay of 120 days in filing the above Second Appeal against the judgment and decree dated 22.08.2023 passed in A.S.No.26 of 2010, on the file of Sessions Judge, Mahila Court, Kanchipuram District at Chengalpattu confirming the judgment and decree passed in O.S.No.148 of 2001 dated 05.02.2010 on the file of Subordinate Court, Madurantakam.

2. Mr.A.Prabhakaran, learned counsel for appellant submitted that the first appellate court dismissed the appeal on 22.08.2023 and the copy of order was made ready on 13.10.2023. Subsequently, he approached the lower court counsel and received the entire case bundles and thereafter, due to illness, the appellant was not able to contact his counsel and only during the last week of March 2024, he gave instructions to file the Second Appeal. However, there is a delay of 120 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.M.Venkatakrishnan, learned counsel for respondents 1, 2 and 4 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 seems to be justifiable one and to avoid multiplicity of proceedings, 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 18.11.2024.

**08.11.2024**

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