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C.M.P. No. 16240 of 2024
in S.A.SR.No.60501 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 87 days in filing the above Second Appeal against the judgment and decree dated 02.09.2023 passed in A.S.No.75 of 2017, on the file of I Addl. Subordinate Court at Cuddalore confirming the judgment and decree passed in O.S.No.126 of 2010 dated 19.07.2017 on the file of Addl. District Munsif Court, Cuddalore.

2. Mr.D.Baskar, learned counsel for appellant submitted that due to illness, the petitioner could not instruct his counsel at Chennai to file the Second Appeal and only during the last week of April 2024, he gave instructions to file the Second Appeal. However, there is a delay of 87 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 13.08.2024.

08.08.2024

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