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C.M.P. No. 12584 of 2024
in S.A.SR.No.137508 of 2022

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 161 days in filing the above Second Appeal against the judgment and decree dated 07.01.2022 passed in A.S.No.5 of 2017, on the file of Sub-Court at Sankari confirming the judgment and decree passed in O.S.No.197 of 2010 dated 01.06.2016 on the file of District Munsif Court, Sankari.

2. Mr.S.Prabhu, learned counsel for appellants submitted that due to illness, there was a delay in handing over certified copy of judgment and decree passed by lower appellate judge to their counsel and only during the last week of November 2022, they gave instructions to file the Second Appeal. However, there is a delay of 191 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 28.06.2024.

24.06.2024

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