



C.M.P.No. 11724 of 2024
in
S.A. SR.No. 137508 of 2022

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.5 of 2017, the petitioner preferred the above Second Appeal, however there is a delay of 495 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.S.Prabhu, learned counsel for petitioners submitted that the above Second Appeal was returned for rectifying certain defects on 12.12.2022. He would submit that in the above appeal, some of the papers required to be filed and the same were obtained from the trial court and after receipt of papers, due to illness, it was not represented in time. Hence, there is a delay of 495 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 there was a delay in obtaining documents from the trial court, 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.1500/- payable to the Tamil Nadu State Legal Services Authority, Chennai within a period of one week from today 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 24.06.2024.

10.06.2024

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T.V. THAMILSELVI, J.

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