



C.M.P.No. 20028 of 2024
in
S.A. SR.No. 67860 of 2022

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.12 of 2020, the petitioner preferred the above Second Appeal, however there is a delay of 660 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.V.Balamurugan, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on 05.07.2022 as well as for want of trial court papers along with certified copy of decree in the suit and appeal suit. With great difficulty, he could get the trial court papers and thereafter, he has now represented the above Second Appeal, however, there is a delay of 660 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 petitioner in the affidavit that due to the delay in obtaining certified copy of decree of Suit and Appeal Suit, to give one more opportunity to the petitioner, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.2000/- (Rupees two thousand only) **as non-refundable deposit to the credit of The Medical Research Foundation (Sankara Nethralaya), No.41/18, College Road, Chennai-6. HDFC Bank Ltd., A/c.No.00821000087815, IFSC Code No.HDFC0000082** within a period of one week from the date of receipt of copy of this order. On such payment of cost, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 17.10.2024.

20.09.2024

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T.V. THAMILSELVI, J.

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