



C.M.P.Nos. 11545 & 11548 of 2024

in

S.A. SR.No. 144878 & 144940 of 2023

T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.Nos.5 & 6 of 2021, the petitioner preferred the above Second Appeal, however there is a delay of 106 days in representing the S.A.SR.No. 144878 of 2023 and there is a delay of 111 days in representing S.A.SR.No. 144940 of 2023 arose. Hence, the present petitions have been filed to condone the delay in representing the second appeals.

2. Mr.P.Tamilavel, learned counsel for petitioners submitted that the above Second Appeals were returned for rectifying certain defects on 15.11.2023 and 10.11.2023 respectively, however, there was a flood during the first week of December 2023, thereby the papers have got wet and the date in which the judgment and decree order copy made ready in Appeal Suit has been tarnished, which is not visible at all. Furthermore, there was no query about limitation in the return sheet, in which the above Second Appeals have been filed, but the same were filed in time. Thereafter, the above Second Appeals were represented, however, there is a delay of 106



and 111 days arose in representing the above second appeals respectively and the said delay caused is neither willful nor wanton, but for the above said reasons. Accordingly, he has filed the above petitions.

3. Considering the facts and circumstances and on considering the reasons stated by the petitioners in the affidavit that due to flood, the returned papers were got wet and date in which judgment and decree copy was made ready have been tarnished, which is not visible, so, to give one more opportunity to the petitioners, this court is inclined to allow these petitions. Registry is directed to number the above Second Appeals if it is otherwise found to be in order and post the matter on 20.06.2024.

10.06.2024

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