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C.M.P.No.27160 of 2024 in
S.A.SR.No. 57900 of 2023

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T.V. THAMILSELVI, J.

Challenging the judgment and decree passed in A.S.No.3 of 2018, the petitioners preferred the above Second Appeal, however there is a delay of 399 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. Ms.G.Sumithra, learned counsel for petitioners submitted that the above Second Appeal was returned for rectifying certain defects on 29.04.2023, however, the paper was misplaced with other bundles and it could not be traced immediately. Thereafter, after due search, it was traced out, however, there is a delay of 399 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 the bundle was misplaced, to give one more opportunity to the petitioner, this court is inclined to allow this petition. Registry is directed to number the above Second Appeal if it is otherwise found to be in order and post the matter on 17.12.2024.

02.12.2024

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