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C.M.P. No. 12298 of 2024
in S.A.SR.No.67358 of 2024

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T.V. THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to condone the delay of 20 days in filing the above Second Appeal against the judgment and decree dated 12.12.2023 passed in A.S.No.32 of 2018, on the file of Subordinate Judge at Pollachi confirming the fair and decreetal order passed in I.A.No.898 of 2017 in O.S.No.397 of 2006 dated 24.04.2018 on the file of District Munsif Court, Pollachi.

2. Mr.V.Anandhamurthy, learned counsel for appellant submitted that as the certified copy of judgment and decree delivered on 16.02.2024 was misplaced in the office of lower court counsel, it was traced out only during the last week of May 2024. Hence, there is a delay of 20 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. Mr.N.Umapathi, learned counsel for respondent appeared and raised strong objections in allowing this petition.



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4. Considering the facts and circumstances, and on considering objections raised by the respondents' counsel as well as the reasons stated by the petitioner in the affidavit seems to be justifiable one, 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 03.07.2024.

25.06.2024

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