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C.M.P. No. 16561 of 2024
in S.A.SR.No.85687 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 334 days in filing the above Second Appeal against the judgment and decree dated 07.02.2023 passed in A.S.No.61 of 2021, on the file of Principal Subordinate Judge, Salem, reversing the judgment and decree passed in O.S.No.689 of 2018 dated 27.09.2021 on the file of Principal District Munsif Court, Salem.

2.The learned counsel for petitioner submitted that he filed appeal before this Court on 04.07.2023 and the same was returned on 10.07.2023 for some defects. Thereafter, the return file was mingled with the disposed bundle. Hence, there is a delay of 334 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. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit is justifiable one. Accordingly, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.1000/- payable to respondent counsel within a period of one



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week from today. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 13.08.2024.

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07.08.2024

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