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C.M.P.No.20368 of 2024 in  
S.A.SR.No. 95139 of 2020

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**in**  
**S.A. SR.No. 95139 of 2020**

**T.V. THAMILSELVI, J.**

Challenging the judgment and decree passed in A.S.No.26 of 2017, the petitioner preferred the above Second Appeal, however there is a delay of 1242 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.R.Gayathri, learned counsel for petitioner submitted that the above Second Appeal was returned for rectifying certain defects on 20.01.2021. He would submit that as she is a permanent resident of Namakkal and also due to illness, she was not able to come down to Chennai to furnish the documents with the counsel on record. However, there was a renovation work carried at their office, the paper was misplaced with other bundles and it could not be traced immediately. Thereafter, after due search, it was traced out. In view of the same, there is a delay of 1242 days arose in representing the above second appeal and the said delay



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caused is neither willful nor wanton, but for the above said reasons.

Accordingly, he has filed the above petition.

3. Considering the facts and circumstances and on considering the reasons stated by the petitioner in the affidavit that the bundle was misplaced and the fact that the petitioner is aged about 55 years and also to avoid multiplicity of proceedings and in order 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.3000/- (Rupees three 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 above Second Appeal if it is otherwise found to be in order and post the matter on 14.10.2024.

**24.09.2024**

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**24.09.2024**