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C.M.P. No. 17775 of 2024
in S.A.SR.No.81967 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 141 days in filing the above Second Appeal against the judgment and decree dated 09.09.2022 passed in A.S.No.25 of 2022, on the file of Principal District Judge, Tiruppur confirming the judgment and decree passed in O.S.No.47 of 2019 dated 04.02.2020 on the file of Subordinate Judge, Kangeyam.

2. Mr.V.Regunathan, learned counsel for petitioner submitted that immediately after getting papers from the petitioner's lower court counsel, he was not able to come to Chennai and to mobilise fund to pay court fee and also to engage a counsel for filing the Second Appeal. Only during the last week of June 2023, he handed over papers to the counsel on record. Hence, there is a delay of 141 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.



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3. Mr.P.Navaneetha Krishnan, learned counsel for respondent appeared and raised strong objections stating that no sufficient reasons stated in the affidavit for the said delay. Hence, he prayed to dismiss this petition.

4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit stating that the petitioner could not mobilise the fund to pay court fee seems to be justifiable one and to avoid multiplicity of proceedings, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.2000/- payable to the learned counsel for respondent and the cost was paid by the learned counsel for petitioner in open court. Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 30.09.2024.

24.09.2024

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