



WEB COPY



C.M.P.No.27767 of 2023

C.M.P.No.27767 of 2023
in
S.A.SR.No.81971 of 2023

P.T.ASHA, J.,

The defendants 1 and 2 who are the appellants herein have filed this second appeal with a delay of 309 days and have filed this petition to condone the same.

2. The second appeal arises against the reversing judgment passed by the learned III Additional Subordinate Judge, Coimbatore, in A.S.No.152 of 2019, in and by which, the learned Judge has reversed the dismissal of the suit for injunction filed by the respondent herein. Aggrieved by the same, the appeal has been filed by the defendants.

3. In the instant petition, the appellants/petitioners would submit that the reason for the non-filing of the second appeal in time was in account of the fact that the deponent to the affidavit who has been contesting the case on behalf of the first defendant as well was down with jaundice for a considerable period and on account of which,



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she is unable to contact her counsel in lower Court to obtain the papers for the filing of the second appeal. Thereafter, once she was fit enough to file the second appeal, her counsel's office has misplaced the entire bundles and it would be traced only now and immediately, the second appeal has been filed.

4. The respondents those who are served has not deemed it fit to contest the proceedings. Taking into account the fact that cogent and sufficient reasons have been provided by the petitioner, this petition is allowed and the delay of 309 days in filing the above second appeal in S.A.SR.No.81971 of 2023 is condoned.

5. The Registry is directed to number the appeal, if it is otherwise, in order and list the same for admission.

19.01.2024

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