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C.M.P. No. 15142 of 2024
in S.A.SR.No.66485 of 2024

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 93 days in filing the above Second Appeal against the judgment and decree dated 31.10.2023 passed in A.S.No.15 of 2018, on the file of Sub-Court at Perambalur confirming the judgment and decree passed in O.S.No.526 of 1995 dated 28.06.2017 on the file of District Munsif Court, Perambalur.

2. Mr.S.Satish Rajan, learned counsel for appellant submitted that as the certified copy of judgment and decree passed in A.S.No. 15 of 2018 was made ready on 11.01.2024, but the lower court judgment and decree was made ready only on 02.05.2024. Hence, the appellant was not able to file the Second Appeal within a stipulated time. However, there is a delay of 24 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. Notice sent to the sole respondent returned with an endorsement “no such person”.



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4. Considering the facts and circumstances, and the reasons stated by the petitioner in the affidavit seems to be justifiable one and to give one more opportunity, 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 25.11.2024.

11.11.2024

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