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C.M.P. No. 16574 of 2024
in S.A.SR.No.22652 of 2024

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in
S.A.SR.No.22652 of 2024
T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 113 days in filing the above Second Appeal against the judgment and decree dated 31.10.2023 passed in A.S.No.46 of 2023, on the file of Subordinate Judge, Sirkali reversing the judgment and decree passed in O.S.No.290 of 2006 dated 21.08.2018 on the file of the Learned District Munsif, Sirkali.

2.The learned counsel for petitioner submitted that he filed appeal before this Court and the same was returned on 28.02.2024 for certain compliances. Thereafter, the appeal papers were misplaced and got mixed up with the other disposal bundles.. Hence, there is a delay of 113 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 the legal Service Authority, Chennai. Registry



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is directed to number the Second Appeal if it is otherwise found to be in
order and post the matter on 12.08.2024.

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07.08.2024

T.V.THAMILSELVI, J.



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in
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