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C.M.P. No. 15880 of 2023
in S.A.SR.No.86572 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 58 days in filing the above Second Appeal against the judgment and decree dated 30.11.2022 passed in A.S.No.13 of 2015, on the file of Addl. District Judge, Namakkal confirming the judgment and decree passed in O.S.No.227 of 2003 dated 13.01.2015 on the file of Subordinate Judge, Namakkal.

2. Mr.S.Senthil, learned counsel for appellant submitted that after obtaining the certified copy of judgment and decree on 07.02.2023, the second appeal ought to have been filed on or before 90 days i.e. before 08.05.2023. Since this Court was on summer vacation and also due to illness, the appellant was not able to contact his counsel and only during the last week of June 2023, he gave instructions to file the Second Appeal. However, there is a delay of 58 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 seems to be justifiable one, 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.

12.11.2024

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