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C.M.P. No. 19207 of 2023
in S.A.SR.No.86693 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 237 days in filing the above Second Appeal against the judgment and decree dated 12.07.2022 passed in A.S.No.9 of 2021, on the file of Principal District Judge, Villupuram confirming the judgment and decree passed in O.S.No.36 of 2018 dated 20.03.2020 on the file of I Addl. Subordinate Judge, Villupuram.

2. Mr.Christopher Kishore Vincent, learned counsel for petitioner submitted that though the petitioner filed the copy application, he could not obtain the copy of judgment and decree in time and the same was obtained only on 30.05.2023. Hence, there is a delay of 237 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. Mr. L.P.Balajiram, learned counsel for respondent appeared and raised objections stating that the reasons stated by them is not justifiable one and in order to drag on the proceedings, they have filed this petition.



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4. Considering the facts and circumstances, and also on considering the fact that the appellant is senior citizen and he is aged about more than 51 years as well as to put an end to the litigation, this court is inclined to allow this petition on condition that the petitioner shall pay a cost of Rs.3000/- to the learned counsel for respondent on or before 28.06.2024. On such deposit, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 01.07.2024.

20.06.2024

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