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C.M.P.No.14852 of 2023 in
S.A.SR.No. 74232 of 2023

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T.V. THAMILSELVI, J.

This petition has been filed seeking to condone the delay of 378 days in filing the above Second Appeal against the judgment and decree dated 15.12.2020 passed in A.S.No.29 of 2018, on the file of Sub-Court, Arakkonam partly allowing the judgment and decree passed in O.S.No.81 of 2013 dated 08.03.2017 on the file of District Munsif Court, Arakkonam.

2. Mr.R.Karthikeyan, learned counsel for petitioner submitted that the certified copy of judgment was made ready on 17.04.2021 and since the petitioner was residing in a remote village and also due to lack of communication, he could not able to come to Chennai and only with the help of relative, he had engaged the counsel on record. Thereafter, he has handed over the papers to the present counsel on record and filed the above second appeal. Hence, there is a delay of 378 days in filing the above Second Appeal, which is neither willful nor wanton and only due to the aforesaid reasons. Therefore, he filed this petition to condone the delay in filing the above second appeal.



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3. Despite service of notice, there is no representation on the side of respondent.

4. On seeing the facts, it reveals that due to the delay in obtaining certified copies of judgment and decree and due to lack of communication, he is not able to contact his counsel and engage a counsel at Chennai, only with the help of his relative, he engaged the present counsel on record. Considering the facts and circumstances and on considering the reasons stated in the affidavit seems to be justifiable one and to give one more opportunity, this Court is inclined to allow this petition on condition that the petitioners shall pay a cost of Rs.3000/- (Rupees three thousand only) as **non-refundable deposit to the credit of The Medical Research Foundation (Sankara Nethralaya), No.41/18, College Road, Chennai-6. HDFC Bank Ltd., A/c.No.00821000087815, IFSC Code No.HDFC0000082** within a period of one week from the date of receipt of copy of this order. On such payment of cost, Registry is directed to number the Second Appeal if it is otherwise found to be in order and post the matter on 18.11.2024.

11.11.2024

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